



## SCHOOL ELECTIONS

### FREQUENTLY ASKED QUESTIONS

Below are frequently asked questions regarding school elections. The answers are based upon information available as of **July 30, 2025**. Any changes to the school election process, including applicable dates, will be posted on the NJSBA's website as necessary.

For additional information concerning school elections, including applicable timelines, candidate information, and legal citations, please visit:

- The New Jersey Department of State, Division of Election's [website](#) ("[Candidate Information](#)" and "[Chronological Election Timelines](#)");
- The New Jersey Department of State's [website](#);
- The New Jersey Department of Education's [website](#) ("[Office of School Finance](#)"; "[Office of Student Protection](#)"; "[Current Administrative Code, N.J.A.C. 6A](#)"; and "[Election Calendar](#)");
- The New Jersey Election Law Enforcement Commission's [website](#) ("[Candidates/Committees](#)"); and
- New Jersey [statutes](#).

Boards of education are urged to consult with their attorneys for formal legal advice concerning the school election process and attendant issues.

**DISCLAIMERS:** *All of the dates referenced throughout this document are subject to change. Users should not exclusively rely upon these dates without first verifying their accuracy with the appropriate authority.*

*Nothing contained in this document should be construed as formal legal advice. This document is provided for information purposes only. Please consult with your board attorney for formal legal advice.*

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# I. ANNUAL AND SPECIAL SCHOOL ELECTIONS

## A. ANNUAL SCHOOL ELECTIONS

### 1. When are school board members elected?

In Type I school districts, board members are *not* elected, but appointed. The date of appointment depends on whether the district is in a city of the first class. In cities of the first class, defined as those having a population of more than 150,000, board members are appointed during the month of June. In cities other than those of the first class, defined as those having a population of not more than 150,000, board members are appointed between April 1 and April 15. [N.J.S.A. 18A:12-8](#).

For Type II school districts, board members *are* elected, and the annual school election shall be held on either the 3rd Tuesday in April or, for those school districts that moved their election pursuant to [P.L. 2011, c. 202](#) or [P.L. 2012, c. 78](#), it shall be held simultaneously with the general election on the 1st Tuesday after the first Monday in November. [N.J.S.A. 19:60-1](#).

Annual School Election Dates	
November 2025	Tuesday, November 4, 2025

### 2. Can the date of the April school election be changed?

Yes. The Commissioner of Education is authorized to adjust the school budget and election calendar for the April school election if the date coincides with “a period of religious observance” that limits significantly the usual activities of the followers of a particular religion, or would result in significant religious consequences for such followers. The statute further defines “a period of religious observance” as any day or portion thereof on which a religious observance imposes a substantial burden on an individual’s ability to vote. [N.J.S.A. 19:60-1](#).

If the Commissioner of Education intends to make any adjustments to the school budget or election calendar, notice must be provided to boards of education, county clerks, and boards of election by no later than the first working day in January of the year in which the adjustments are to occur. [N.J.S.A. 19:60-1](#).

Deadline for Notification of Adjustments to the School Budget or April School Election	
2026	Friday, January 2, 2026

**3. Can the date of school elections be changed for any other reason?**

Yes. When deemed necessary, the Legislature can enact special legislation to change the election date and/or other dates in the election and budget processes.

**4. Can a public question be asked as part of either the April or November school elections?**

A public question, defined as “any question, proposition, or referendum required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections,” can be asked as part of either the April or November school election. [N.J.S.A. 19:1-1](#); [N.J.S.A. 19:60-4](#).

**5. If a public question will be asked, when is the deadline for the board secretary to submit it to the county clerk?**

For the April school election, the board secretary shall, by not later than 10:00 a.m. of the 18th day preceding the date of the April school election, make, certify, and forward to the county clerk a statement designating the public question(s) to be voted upon by the voters. [N.J.S.A. 19:60-4](#).

For the November school election, the board secretary shall, by not later than 10:00 a.m. of the 74th day preceding the general election, make, certify, and forward to the county clerk a statement designating any public question(s) to be voted on by the voters. [N.J.S.A. 19:60-4](#).

Deadline to Submit a Public Question for Annual School Elections	
November 4, 2025, School Election	By no later than 10:00 a.m. on Friday, August 22, 2025

**6. What if a filing date or deadline falls on a weekend or legal holiday?**

If a filing date or deadline falls on a Sunday or on a legal holiday, it can be changed to the next business day. [N.J.S.A. 19:11-1](#).

## **B. SPECIAL SCHOOL ELECTIONS**

**7. Can school elections occur on dates other than the annual school election date?**

Yes, they are called special school elections. [N.J.S.A. 19:1-1](#).

## 8. What are special school elections?

A special school election is a school election that is held at a date and time other than the annual school election, and is not provided for by law to be held at stated intervals. [N.J.S.A. 19:1-1](#). Special school elections are generally held to address a supplemental financial issue or a bond referendum, but can be held for other reasons. For example, if two or more board candidates receive an equal number of votes or there is a failure to elect a board member due to improper election procedures, a special school election is required to be held. [N.J.S.A. 18A:12-15](#).

## 9. When can special school elections be held?

The board of a Type II district may, when in its judgment the interests of the schools require it, call a special school election, but only on: the fourth Tuesday in January; the second Tuesday in March; the last Tuesday in September; or the second Tuesday in December. [N.J.S.A. 19:60-2](#).

Special School Election Dates	
2025 (Remaining)	September 16, 2025; and December 9, 2025

## 10. Can the Commissioner of Education change the date(s) of special school elections?

Yes. As with the date of the April school election, the Commissioner of Education is authorized to change any date authorized for any special school election if (1) that date(s) coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers, or (2) the date(s) authorized for a special school election falls within 45 days of the primary election or the general election. [N.J.S.A. 19:60-2](#). Additionally, if a filing date or deadline falls on a Sunday or on a legal holiday, it can be changed to the next business day. [N.J.S.A. 19:11-1](#).

If the Commissioner of Education intends to change the date(s) of a special school election, notification must be provided to boards of education, county clerks, and boards of election by no later than the first working day in January of the election year. [N.J.S.A. 19:60-2](#).

Deadline for Notification of Changes to the Date(s) of Special School Elections	
2026	Friday, January 2, 2026

**11. How much notice must be given for the scheduling of a special school election?**

The board shall give the municipal clerk(s) and the county board of elections no less than 60 days written notice of its intention to hold a special school election. [N.J.S.A. 19:60-2](#).

Deadline to Provide Notification of Intent to Hold Special School Election	
2025	July 18, 2025 (for September); and October 10, 2025 (for December)

**12. Can a public question be asked as part of a special school election?**

Yes.

**13. If a public question will be asked as part of a special school election, when is the deadline for the board secretary to submit it to the county clerk?**

The board secretary shall, by not later than 10:00 a.m. of the 60th day preceding the date of a special election, make, certify, and forward to the county clerk a statement designating the public question(s) to be voted upon by the voters. [N.J.S.A. 19:60-4](#). This deadline is the same deadline by which the board of education must notify the municipal clerk(s) and the county board of election of its intention to hold a special school election. [N.J.S.A. 19:60-2\(a\)](#).

Deadline to Submit a Public Question for Special School Elections	
2025	July 18, 2025 (for September); and October 10, 2025 (for December)

## **C. MOVING THE DATE OF SCHOOL ELECTIONS**

**14. Can the date of the annual school election be moved from April to November?**

The date of the annual school election can be moved in one of two ways:

1. By petition

First, when a petition is signed by at least 15% of the “legally qualified voters who voted in the district at the last preceding general election held for the election” of the President and Vice President, the question of whether to move the annual school election shall be submitted to the legal voters of a local or

regional school district at the *next* general election *provided* that at least 60 days have elapsed since the signed petition was filed. [N.J.S.A. 19:60-1.1](#).

Deadline for Signed Petition to be Filed	
November 4, 2025, School Election	Prior to September 5, 2025

2. By resolution.

Alternatively, the board of education of a local or regional school district or the governing body or bodies of the municipality or municipalities constituting the district can adopt a resolution to move the annual school election (and voter approval is *not* required). [N.J.S.A. 19:60-1.1](#). If the governing body or bodies of the municipality or municipalities constituting the district intends to adopt a resolution at a meeting, it must provide adequate notice of the meeting to the affected board or boards of education. [N.J.S.A. 19:60-1.1](#).

Of note, if the annual school election is moved, whether following voter approval or adoption of a resolution, it shall be held for the purpose of submitting a separate question/proposal to the voters for approval of additional funds (but not for existing programs), for the purpose of electing new members of the board, and for any other purpose authorized by law; however, a vote on the district’s general fund tax levy for the budget year shall *not* be required as long as it is within cap. [N.J.S.A. 19:60-1.1](#); [P.L. 2023, c. 289](#). In other words, as long as the district’s budget is within the 2% tax levy cap, it does not need to be separately approved by the voters. Instead, only separate proposals to spend above cap need to be separately approved by the voters.

In addition, the board and the county board of election are required to enter into agreement whereby the board agrees to pay any increase in the costs, charges, and expenses associated with holding the school election simultaneously with the general election. [N.J.S.A. 19:60-1.1](#).

**15. If the board adopts a resolution to move the date of the 2026 annual school election from April to November, or the question of moving the 2026 annual school election from April to November is approved by the voters on November 4, 2025, when will the next annual school election take place?**

The 2026 annual school election would be moved from April 21, 2026, to November 3, 2026, *if* written notice is given to the county clerk by no later than 60 days prior to the April election, or by February 20, 2026. [N.J.S.A. 19:60-1.1](#). If timely written notice is not provided to the county clerk, the change in the annual school election date could be delayed.

Deadline to file Notice with County Clerk (from April to November)	
April 21, 2026, School Election	February 20, 2026

**16. What if the question of moving the 2026 election from April to November is *not* approved by the voters on November 4, 2025?**

The annual school election would take place on April 21, 2026. In addition, no new petition seeking to move the annual school election from April to November could be filed “within one year” after November 4, 2025. [N.J.S.A. 19:60-1.1](#).

**17. If the annual school election is moved from April to November, can it be moved back to April?**

Yes, and it can be moved back to April by either petition or resolution as [above](#), the latter of which does not require voter approval. *However*, “[n]o resolution may be adopted and no petition may be filed ... until at least *four annual school elections have been held in November*.” [N.J.S.A. 19:60-1.1](#) (emphasis added). By way of example, if a board’s *first* November election takes place on November 4, 2025, neither a petition can be filed nor a resolution adopted until *after* the November 7, 2028, election. Conversely, if the annual school election is moved from November to April, it does not appear that it must be conducted for at least four annual school elections before it can be moved back to November.

Once the annual school election moves back to April, whether following voter approval or the adoption of a resolution, it will be held for the same purposes as the November school election and, following the enactment of [P.L. 2023, c. 289](#), a vote on the district’s general fund tax levy for the budget year shall *not* be required as long as it is within the 2% tax levy cap. [N.J.S.A. 19:60-1.1](#). In other words, and as with November school elections, except for separate proposals to spend above cap, the budgets for Type II school districts no longer need to be approved by the voters as part of April school elections.

**18. If the board adopts a resolution to move the date of the annual school election from November to April, or the question of moving the annual school election from November to April is approved by the voters, when will the next annual school election take place?**

Pursuant to [N.J.S.A. 19:60-1.1\(c\)](#), written notice to change the date of the annual school election from November to April must be given to the county clerk no less than 85 days prior to the April school election in order to take effect that year.

By way of example, to move the 2026 annual school election from April 21, 2026, to November 3, 2026, the county clerk must receive written notification by January 26, 2026.

Deadline to file Notice with County Clerk (from November to April)	
April 21, 2026, School Election	January 26, 2026



**19. Why do/did boards switch their annual school election from April to November?**

One reason why Type II districts moved their annual school election from April to November was to avoid the need to have their budgets separately approved by the voters. More specifically, the budgets for Type II school districts had to be separately approved by the voters at April school elections *even if* it was within the 2% tax levy cap. On the other hand, if the annual school election took place in November (along with the general election), voter approval of the budget was *not* required *as long as* it was within cap.

Importantly, following the enactment of [P.L. 2023, c. 289](#), and now for *both* April and November school elections, Type II school districts *do not* need to have their budget separately approved by the voters *as long as* it is within cap.

In addition, there are many administrative tasks performed by the business administrator/board secretary at the April school election that are performed by the county clerk if the school election is moved to November. Nonetheless, and as noted [above](#), the board must pay for any increase in the costs, charges, and expenses associated with holding the school election simultaneously with the general election, even if it eases its own administrative burden.

**20. If the annual school election is moved from April to November, when would the term of a currently seated board member end?**

The term of a currently seated board member would be ***extended*** until just prior to the organization meeting in the first week of January. [N.J.S.A. 18A:10-3](#); [N.J.S.A. 18A:12-15.1](#).

**21. If the annual school election is moved from November to April, when would the term of a currently seated board member end?**

The term of a currently seated board member would be ***shortened*** until just prior to the organization meeting in the first week of May. [N.J.S.A. 18A:10-3](#); [N.J.S.A. 18A:12-15.1](#).

**22. Can Type II school districts with a board of school estimate move the date of their annual school election?**

Yes, Type II school districts with a board of school estimate can move the date of their annual school from April to November, or from November to April, in the same manner as other school districts. [N.J.S.A. 19:60-1.2](#).

**23. If the date of the annual school election is moved, does the board of school estimate need to determine the district's general fund tax levy for the budget year?**

Regardless of whether the annual school election is in April or November, the board of school estimate does not have to determine the district's general fund tax levy for the budget year *other than* the general fund tax levy required to support a proposal for additional funds. [N.J.S.A. 19:60-1.2; N.J.S.A. 18A:7F-5](#).

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## II. ROLES OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY AND THE COUNTY CLERK; THE BOARD; AND CURRENTLY SEATED BOARD MEMBERS IN SCHOOL ELECTIONS

### A. ROLE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY AND THE COUNTY CLERK

#### 24. What are the specific election responsibilities that the business administrator/board secretary and county clerk must perform?

The duties and responsibilities of the business administrator and board secretary, and county clerk are varied, and depend on whether the district holds an April or November school election. Their respective duties and responsibilities are as follows:

##### **November 4, 2025, School Election**

- a. By no later than the primary election date, the school business administrator shall certify to the county clerk a statement designating the number of seats to be filled. [N.J.S.A. 19:60-7](#).
- b. On or before 4:00 p.m. on the last Monday in July preceding the November school election, nominating petitions shall be filed with the county clerk. [N.J.S.A. 19:60-7](#).
- c. Defective nominating petitions and/or affidavits, except to cure an insufficient number of signatures, must be **amended** by the candidate and filed with the county clerk on or before the 3rd day after the last day for the filing of nominating petitions. [N.J.S.A. 19:13-13](#).
- d. The county clerk is responsible for accepting objections to nominating petitions on or before 4:00 p.m. of the 4th day after the last day for the filing of nominating petitions. [N.J.S.A. 19:13-10](#). Whenever a timely objection to a nominating petition is filed with the county clerk, the county clerk must make a determination on the objection on or before the 10th day after the last day for filing nominating petitions. [N.J.S.A. 19:60-7](#).
- e. The last day on which a candidate may file a verified complaint in Superior Court alleging an invasion of that candidate's rights under the nominating petition is the 12th day after the deadline for filing a nominating petition. [N.J.S.A. 19:60-7](#).
- f. For November school elections, **the county clerk** has ballot drawing duties. [N.J.S.A. 19:60-8](#). Pursuant to [N.J.S.A. 19:14-12](#), the county clerk shall hold a drawing for ballot positions at 3:00 p.m. on the 85th day prior to the election.

- g. The county clerk is responsible for accepting withdrawals from board candidates for the November school election. Withdrawals must be filed by the board candidate(s) with the county clerk by the 81st day prior to the election. [N.J.S.A. 19:60-7](#).
- h. The board secretary is responsible for certifying and forwarding to the county clerk any public question(s) to be voted upon by no later than 10:00 a.m. of the 74th day prior to the election. [N.J.S.A. 19:60-4](#). The Department of State, Divisions of Elections, requests that boards submit the public question(s) to the county clerk **as early as possible** to allow for the mail-in ballots and sample ballots to be printed and delivered on time.

November 4, 2025, School Election		
Deadline	Task	Party Responsible
June 10, 2025	Deadline to advise county clerks of available offices for election	Business administrator
On or before 4:00 p.m. on July 28, 2025	Deadline to file nominating petitions with the county clerk	Board candidate(s)
July 31, 2025	Deadline to file amendments to a defective nominating petition	Board candidate(s)
August 1, 2025	Deadline to file objections to nominating petitions with the county clerk	N/A
August 7, 2025	Deadline for determination of nominating petition objection(s)	County clerk
August 9, 2025	Deadline to file in Superior Court to protect a board candidate's rights	Board candidate(s)
At 3:00 p.m. on August 11, 2025	Drawing of ballot positions	County clerk
August 15, 2025	Deadline to withdraw a nominating petition	Board candidate(s)
August 15, 2025	Deadline to accept the withdrawal of a nominating petitions from a board candidate	County clerk
By 10:00 a.m. on August 22, 2025	Deadline to submit a public question(s) to the county clerk	Board secretary

Additional information regarding the timelines for both the April and November school elections can be found [here](#).

**25. After the business administrator advises the county clerk about the number of vacancies on the board, when will those seats appear on the ballot?**

When a board vacancy will appear on the ballot depends on when the vacancy occurs.

- **November School Elections:**

- If a vacancy occurs *before* the 3rd Monday in July preceding the next November school election, the individual appointed to fill the seat shall serve until December 31. [N.J.S.A. 18A:10-3](#); [N.J.S.A. 18A:12-15](#).
  - The remainder of the unexpired term (if any) shall be on the ballot for the *next* November school election.
    - Example: If a vacancy occurs prior to July 21, 2025, the vacancy shall be placed on the ballot for the November 4, 2025, election.
  - Practical Point: The business administrator is required to certify to the county clerk, by no later than the date of the primary election (June 10, 2025), a statement designating the number of seats to be filled at the general election. [N.J.S.A. 19:60-7](#).
    - Therefore, if a vacancy occurs after the primary election (June 10, 2025) *but before* the 3rd Monday in July (July 21, 2025), it is possible that the vacancy may *not* be on the ballot for the November school election.
      - If this situation occurs, the county clerk will be able to advise whether there is sufficient time for the vacancy to appear on the ballot for the November school election.
  - If a vacancy occurs *after* the 3rd Monday in July, the individual appointed to fill the seat shall serve until after the *following* November school election (November 3, 2026). [N.J.S.A. 18A:12-15](#).
    - The remainder of the unexpired term (if any) shall be on the ballot for the following November school election.
      - Example: If a vacancy occurs *after* July 21, 2025, the vacancy shall be placed on the ballot for the November 3, 2026, election.

- **April School Elections:**

- If a vacancy occurs prior to the 60th day immediately preceding the next April school election, the individual appointed to fill the seat shall serve until April 30. [N.J.S.A. 18A:12-15](#).
  - The remainder of the unexpired term (if any) shall be on the ballot for the next April school election.
    - Example: If a vacancy occurs prior to February 20, 2026, the vacancy shall be placed on the ballot for the April 21, 2026, election.

- If a vacancy occurs within the 60 days immediately preceding the upcoming April school election, the individual appointed to fill the seat shall serve until April 30 of the following year (April 20, 2027). [N.J.S.A. 18A:12-15](#).
  - The remainder of the unexpired term (if any) shall be on the ballot for the following April school election.
    - Example: If a vacancy occurs *after* February 20, 2026, the vacancy shall be placed on the ballot for the April 20, 2027, election.

## B. ROLE OF THE BOARD OF EDUCATION

### 26. What is the role of the board in the annual school election?

The board:

- a. Sets the hours of operation for polls within statutory limitations. For all school elections held at a time other than at the time of the general election, the polls shall be open between 4:00 p.m. and 8:00 p.m., and during any additional time which the board of education may designate between the hours of 6:00 a.m. and 8:00 p.m. For the November school election, which is held on the date of the general election, the polls shall be open from 6:00 a.m. to 8:00 p.m. [N.J.S.A. 19:15-2](#).
- b. Sets the compensation for school election workers for all school elections held at a time other than at the time of the general election. [N.J.S.A. 19:45-6](#).
- c. For April school elections, issues a determination on written objections to nominating petitions on or before the 44th day preceding the April school election. [N.J.S.A. 19:60-7](#).
- d. In the case of a regional school district, identifies the amount of money determined to be the constituent municipality's share on the ballot. [N.J.S.A. 19:60-9](#); [N.J.S.A. 18A:13-17](#).
- e. Pays for all costs, charges and expenses of all school elections held at a time other than at the time of the November general election. [N.J.S.A. 19:60-12](#). For the November school election, the board and county board of election shall enter into an agreement, pursuant to guidelines established with the Secretary of State, under which the board shall pay any agreed upon increase in the costs, charges, and expenses that may be associated with holding the school election simultaneously with the general election. [N.J.S.A. 19:60-1.1](#).
- f. Provides a voter registration form, summary of voter registration eligibility requirements, and material describing the role of a citizen and the importance of voting, to each eligible high school pupil prior to the graduation date for the school year. [N.J.S.A. 18A:36-27](#).

**27. Can a board restrict the distribution of campaign materials to students on school grounds?**

Yes. [N.J.S.A. 18A:42-4](#) specifically prohibits the distribution of any literature (in any manner) to any student in any school building, or otherwise on school grounds, which promotes, favors, or opposes any board candidate, or the adoption of any bond issue, proposal, or any public question submitted as part of any school election. In addition, students shall not be asked or directed to take the literature home, to distribute it to any person, and shall not be “requested or directed” by any school official or employee to engage in any activity which tends to promote, favor, or oppose any board candidate, bond issue, proposal, or public question. Although literature which promotes, favors, or opposes any board candidate, bond issue, proposal, or public question is prohibited, the distribution of neutral election information does not appear to be prohibited.

Boards are also required to prescribe “necessary rules” to ensure compliance with [N.J.S.A. 18A:42-4](#). Therefore, boards should consult with their attorneys on how to address these issues, including the development of an appropriate policy and regulation.

**28. Can a board restrict the distribution of campaign materials to non-students?**

Yes. In conjunction with adopting “necessary rules” to safeguard against the distribution of promotional campaign materials to students in school buildings, and on school grounds, boards may also consider adopting a policy that creates reasonable time, place, and manner restrictions on the distribution of election materials to non-students, including staff members. Most boards have policies that limit the dissemination of literature by visitors to ensure that: the school is not inundated with campaign flyers; distribution is done in an orderly fashion; and distribution does not disrupt the school environment or otherwise impair student safety. Collective negotiations agreements may also contain provisions regulating the use of teacher mailboxes or bulletin boards for such purposes.

Regardless of whether the board adopts such a policy, note that no candidate or holder of elective public office (or their agent) may solicit campaign contributions, directly or indirectly, on property owned or leased by the State, or by any county, municipality, board of education, fire district, authority, or any other instrumentality of the State or local entity. However, this solicitation prohibition shall **not** apply when the public property is made available, through rent, reservation, or otherwise, for the exclusive use of any group for a non-governmental purpose as a meeting location. [N.J.S.A. 19:44A-19.1](#).

Finally, on the date of the election, any person who distributes or displays any circular or printed matter, or offers any suggestion or solicits any support for any candidate, party or public question (1) within the polling place or room, (2) within 100 feet\* of the outside entrance to such polling place or room, or (3) within 100 feet\* of a ballot drop box in use during the election shall be guilty of a disorderly persons offense. [N.J.S.A. 19:34-15](#). \*Each county board of elections *has the discretion* to extend the prohibition

against electioneering to be within 200 feet of the outside entrance to a polling place or room, or of a ballot drop box in use during the conduct of an election within the county. [N.J.S.A. 19:34-15](#).

**29. Can a board restrict the wearing of buttons supporting a candidate or public question by its teaching staff members?**

Yes. The wearing of buttons supporting a candidate or public question in the presence of students could be viewed as a request or direction to students to engage in an activity that tends to promote, favor, or oppose any board candidate, or the adoption of any bond issue, proposal, or any public question in violation of [N.J.S.A. 18A:42-4](#). Additionally, boards and other government bodies have considerable flexibility in regulating employee speech that could interfere with the public body's underlying goal or mission. For example, a New Jersey court ruled that a school district could prohibit teachers from wearing buttons reading "NJEA SETTLE NOW" in the presence of students in the school, on the principle that teachers may be required to confine their classroom activities to providing students with a thorough and efficient education. [Parsippany-Troy Hills Educ. Ass'n v. Parsippany-Troy Hills Bd. of Educ.](#), 2018 N.J. Super. Unpub. LEXIS 1751 (July 23, 2018); [Green Twp. Educ. Ass'n v. Rowe](#), 328 N.J. Super. 525 (App. Div. 2000). However, a board would be limited in its ability to restrict a teacher's right to wear such buttons **outside** the presence of students in the school.

## **C. ROLE OF CURRENTLY SEATED BOARD MEMBERS, INCLUDING ETHICAL CONSIDERATIONS**

**30. May a currently seated board member use social media, or any other medium, e.g., a newspaper or online publication, to endorse a board candidate?**

It depends. Although board members do not surrender their First Amendment rights when they are elected or appointed to the board, a board member can violate the School Ethics Act when their endorsement is seen as being offered in their official capacity as a board member or on behalf of the board, and the filing party provides sufficient factual evidence to establish a violation of the School Ethics Act.

In several decisions and advisory opinions, the School Ethics Commission has discussed the analysis it undertakes when deciding whether speech will be regarded as being offered in an official capacity. According to the School Ethics Commission, the analysis "is guided by whether a reasonable member of the public could perceive that the school official is speaking in his or her official capacity or pursuant to his or her official duties." Further, "[w]hether a school official is perceived as speaking in his or her official capacity and pursuant to his or her official duties turns, in large part, on the content of the speech." If the speech has no correlation or relationship to the business of the board and/or its operations, the School Ethics Commission has said that it would not violate the School Ethics Act. However, if the speech does relate to the business of the board and/or its operations, and there is a sufficient nexus between the



board member’s speech and their role on the board, the School Ethics Commission has advised that it is reasonable for the reader to perceive the speech as being offered in an official capacity and pursuant to their official duties. See e.g., [C70-17](#) (adopted December 18, 2019); [C71-18](#) (adopted April 27, 2021); [C56-22](#) (adopted October 17, 2022); [C19-22](#) (adopted August 22, 2023); [C20-22](#) (adopted August 22, 2023); [C52-23](#) (adopted January 23, 2024); [Advisory Opinion A02-06](#) (public April 2006); and [Advisory Opinion A36-14](#) (dated October 29, 2014); [C75-19](#) (adopted December 17, 2024).

Although a school official may use a disclaimer to qualify the capacity in which they are speaking, the School Ethics Commission has said that “the presence of a disclaimer does not mean that the school official cannot still be regarded as speaking in an official capacity, and the absence of a disclaimer does not mean that the school official is automatically speaking in their official capacity.” See e.g., [C56-22](#) (adopted October 17, 2022); [C103-22](#) (adopted April 25, 2023); [C22-22](#) (adopted June 17, 2024). As a result, it is the content of the speech, and the related facts and circumstances (including the context), that is determinative.

Therefore, when an endorsement is regarded as being made in the board member’s official capacity or on behalf of the board, and sufficient factual evidence supporting a violation has been presented, a violation of the School Ethics Act has been found. See e.g., [C71-18](#) (adopted April 27, 2021); [C75-19](#) (adopted December 17, 2024). Conversely, where the endorsement is considered to be the board member’s personal opinion, is sufficiently disclaimed, or is unsupported by sufficient factual evidence, a violation of the School Ethics Act has not been substantiated. See, e.g., [C61-21](#) (adopted February 25, 2022); [C64-21](#) (adopted March 22, 2022); [C106-22](#) (adopted February 21, 2023); [C103-22](#) (adopted April 25, 2023); [C81-23](#) (adopted May 21, 2024); [C22-22](#) (adopted June 17, 2024); [C88-23](#) (adopted June 17, 2024).

Based on the foregoing, if a board member wants to endorse a candidate for an upcoming board election, they must ensure that the statement is wholly unrelated to their membership on the board, and does not reference or rely upon their status as a board member (or the board generally). Of note, even if appropriate precautions are taken, a complaint can still be filed against a currently seated board member for what may be, or may be perceived as, a violation of the School Ethics Act.

### **31. May a currently seated board member wear a button to a board meeting to support a board candidate?**

While the legality of such activity has not been tested, such a practice may be fraught with potential ethical issues, and possibly violate the School Ethics Act. In these circumstances, it may not be apparent to the public whether a board member’s speech, from the dais, represents the official position of the board, or the board member’s personal view or opinion. If viewed as conduct in the board member’s official capacity, or the position of the board, a violation of the School Ethics Act could be found.

Arguably, a board member who wears a campaign button for a candidate could be viewed as providing that candidate with an unwarranted privilege or advantage in violation of [N.J.S.A. 18A:12-24\(b\)](#). The board member could also be viewed as surrendering his independent judgment to special interest or

partisan political groups or to use the schools for personal gain or for the gain of friends in violation of [N.J.S.A. 18A:12-24.1\(f\)](#).

Boards of education should consult with their attorneys on the best way to address this issue, potentially through a board policy or regulation on political activity in the schools, including at and during board meetings.

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### III. RUNNING FOR A BOARD OF EDUCATION

#### A. CANDIDACY

##### 32. What are the qualifications to serve as a board member?

In order to be qualified to serve as a board member, an individual must:

- a. Be a citizen of the United States;
- b. Be a resident of the district, or of such constituent district of a consolidated or regional district, for at least one year immediately preceding election or appointment;
- c. Be able to read and write;
- d. Be a registered voter in the district;
- e. Not be “[disqualified](#)” as a voter pursuant to [N.J.S.A. 19:4-1](#); and
- f. Not have been convicted of any of the crimes or offenses enumerated in [N.J.S.A. 18A:12-1](#), or convicted of conspiracy to commit or an attempt to commit any of the crimes or offenses set forth in [N.J.S.A. 18A:12-1](#).

[N.J.S.A. 18A:12-1](#).

Even if an individual satisfies the qualifications above, they will be ineligible to serve as a board member if:

- They are interested, directly or indirectly, in any contract with or claim against the board;
- In the case of local and regional school districts, they hold office as the mayor or as a member of the governing body of a municipality; or
- For county special services school districts and county vocational school districts, they hold office as a member of the governing body of a county.

[N.J.S.A. 18A:12-2](#).

Before “entering upon the duties of [their] office,” each board member “shall” take and subscribe (1) an oath that they possess the qualifications prescribed by law, including a specific declaration that they are not disqualified as a voter pursuant to [N.J.S.A. 19:4-1](#), and are not disqualified due to conviction for a crime or offense listed in [N.J.S.A. 18A:12-1](#), and (2) the oath prescribed by [N.J.S.A. 41:1-3](#). [N.J.S.A. 18A:12-2.1](#); *see also* [N.J.S.A. 41:1-1](#) and [N.J.S.A. 41:1-6](#).

### **33. By when must an individual satisfy all qualification criteria to serve as a board member?**

It varies. An individual must be a citizen of the United States, be able to read and write, not be disqualified as a voter pursuant to [N.J.S.A. 19:4-1](#), and not have been convicted of any of the crimes or offenses enumerated in *N.J.S.A. 18A:12-1*, or convicted of conspiracy to commit or an attempt to commit any of the crimes or offenses set forth in [N.J.S.A. 18A:12-1](#) *at the time the individual is sworn into office*.

The requirement of one-year residency in the district must be met *by the date of election or appointment*. While the statute references the date of election or appointment, given that election results are not certified until the Monday following the school election, a reasonable interpretation of this requirement is that the residency is satisfied if the individual has been a resident for at least one year preceding the certification of election results.

The requirement to be a registered voter in the district must be met by the deadline for filing a nominating petition (because the nominating petition must indicate that the candidate is legally qualified to be elected, and a qualification of serving as a board member is being a registered voter in the district). Importantly, there is no deadline by which an individual must register to vote before a nominating petition can be submitted.

Individuals who are interested, directly or indirectly, in any contract with or claim against the board, must resolve the contract or substantial and material claim *prior to being sworn into office*. However, if an individual will not qualify for office *even if* elected, such as where the board member expresses an unwillingness to resolve a contract or abandon a claim against the board, then the candidate may not appear on the ballot. See [Bd. of Ed. of the Town. Of Barneqat v. Houser](#) and [Toms River Regional School District v. Luthman, Jr.](#).

### **34. Can someone who is not 18 years old be on the ballot for a board election?**

It depends. One of the qualifications to serve as a board member is to be a registered voter in the district. A person cannot register to vote unless they are at least 17 years old and will turn 18-years-old on or before “the first election in which [they] expect to vote.” [N.J.S.A. 19:31-5](#); [N.J.S.A. 19:31-6](#). Therefore, if a 17-year-old will **not** turn 18-years-old on the date of or prior to “the first election in which [they] expect to vote,” it would seem they *cannot* be on the ballot. [N.J.S.A. 19:31-5](#). However, if a 17-year-old has registered to vote; has timely filed a nominating petition; and will turn 18-years-old on or before “the first election in which [they] expect to vote,” then it is possible for a 17-year-old to be on the ballot. See also *Vittoria v. West Orange Bd. of Ed.*, 122 N.J. Super. 340 (February 6, 1973) (finding, “the Legislature intended that one not old enough to vote should not be qualified to occupy the office of board member”).

### **35. Can a district student be a candidate in a board election?**

Yes, provided the student satisfies all other qualifications to serve as an elected member of the board. Students elected to the board should be mindful to avoid ethical conflicts that might arise because of their unique status as students, and should review [Advisory Opinion A36-17](#) and [Advisory Opinion A06-18](#).

### **36. If not elected, can a district student still serve on the board?**

Yes. On January 18, 2022, Governor Phil Murphy signed legislation, [P.L. 2021, c. 446](#), which required, effective with the start of the 2022-2023 school year, every board of education of a school district, and every board of trustees of a charter school, that includes grades 9 through 12 to have, at a minimum, one student selected by the student body to serve as a *nonvoting* student representative to the board. [N.J.S.A. 18A:12-1.3](#); [N.J.S.A. 18A:36A-11.2](#).

The duties of the student representative shall include: (1) attending all board meetings, except that a student representative shall be excluded from discussions of the board involving subjects which are confidential; (2) representing all public high school students within the district and presenting student proposals and concerns to the board for its consideration; and (3) keeping public high school students informed of the business of the board by providing a monthly report to the student council concerning the activities of the board. [N.J.S.A. 18A:12-1.3](#). Boards may wish to consider adopting [policies](#) addressing the role of the student representation.

The service of the selected student is limited to a one-year school term. In districts with multiple high schools, the student representative shall rotate each school year among other the district's high schools. [N.J.S.A. 18A:12-1.3](#).

### **37. Can someone be a candidate for the board if they have an immediate family member or relative who is already a board member or is employed in the school district?**

Yes. Nepotism regulations ([N.J.A.C. 6A:23A-6.2](#)) do not restrict a candidate's legal ability to run for, or to serve on, the board. Therefore, candidates who have immediate family members or relatives who are currently seated board members, or who have immediate family members or relatives who are currently employed in the district, are not legally disqualified from running for, or serving on, the board. However, if elected, there are limitations on their board member activities. See [C24-24](#) (adopted November 26, 2024).

**38. Can a person serve on two elected boards of education, including for a regional and constituent district board of education, at the same time?**

No. [N.J.S.A. 19:3-5.2](#) prohibits a person from **holding** two elective public offices simultaneously, and this would include a prohibition against serving on two elected boards of education, including simultaneous service on a regional and constituent district board of education. See [Fischer v. Attorney Gen. of N.J.](#)

Not only can a person not simultaneously serve on a regional and constituent district board of education, they also should not be a candidate for both positions at the same time because, as part of their nominating petitions, they are required to certify that, if elected, they would accept the office. Regardless of whether they are successful in only one or both elections, they cannot lawfully assume both positions per [N.J.S.A. 19:3-5.2](#). Therefore, their certification for one or both nominating petitions could be construed as false swearing or false affirmation (a criminal offense).

Of note, [N.J.S.A. 19:3-5.2](#) only applies to **elected** offices, and does not prevent a board member from serving on an elected local board of education, and an **appointed** county vocational board of education at the same time.

For boards of education with send-receive relationships, the foregoing limitation does not apply to those board members who are designated by their own board of education to serve as the “sending representative” on the receiving board of education. However, there are limitations on what the “sending representative” can vote on while serving on the receiving board of education. [N.J.S.A. 18A:38-8.1](#).

**39. Can a person be appointed to serve on two different charter school boards of trustees at the same time?**

In [Advisory Opinion A04-23](#), which was made public on June 27, 2023, the School Ethics Commission advised that it did not have the authority to determine whether an individual could be appointed to serve as a charter school trustee on two different boards of trustees at the same time, whether this practice violates [N.J.S.A. 19:3-5.2](#), or whether such a practice was prohibited based on the ruling pronounced in [Fischer v. Attorney Gen. of N.J.](#) Nonetheless, it advised that if the requestor chose to serve as a trustee for the “new founding board” while simultaneously serving as a trustee for their current board of trustees, they would need to recuse themselves from any and all discussions and votes regarding the “new founding board” while acting in their official capacity for the current board of trustees, and vice versa. Unlike for boards of education, individuals are appointed to charter school boards of trustees.

Relatedly, the School Ethics Commission has advised that board members who serve in districts that send their students to a charter school cannot serve on both the board of education and that charter school’s board of trustees. See [Advisory Opinion A13-98](#).

**40. Can candidates be endorsed by a political party?**

Although there is no statute specifically prohibiting candidates from being endorsed by a political party, political party designations may *not* appear on the school election ballot. In addition, school officials are reminded that school elections should be non-partisan. *I/M/O the Annual School Election in the Brick School District*, 93 N.J.A.R. 2d 360.

**41. Can candidates be endorsed by a local school employees’ union?**

Yes, but such an endorsement may restrict the candidate’s ability to participate fully in certain discussions and votes if elected to the board. See [Advisory Opinion A13-02](#); [Advisory Opinion A10-18](#); and [Advisory Opinion A05-24](#).

If a candidate is endorsed by the local education association, they should, once sworn-in, consult with their board attorney concerning any potential or actual conflicts of interest. Alternatively, [an advisory opinion can be requested](#) from the School Ethics Commission, and the request can detail the nature and extent of the endorsement that the candidate received. The School Ethics Commission can then advise as to what board action or conduct would violate the School Ethics Act.

**B. NOMINATING PETITIONS**

**42. If a person is qualified and wants to serve as a board member, how is their name placed on the ballot?**

A nominating petition must be submitted with either the board secretary (for April school elections) or with the county clerk (for November school elections). [N.J.S.A. 19:60-7](#).

**43. What is the filing deadline for a candidate to submit their nominating petition?**

The deadline to file a nominating petition with the *board secretary* for the April election is on or before 4:00 p.m. of the 50th day preceding the date of the election. [N.J.S.A. 19:60-7](#).

The deadline to file a nominating petition with the *county clerk* for the November election is on or before 4:00 p.m. on the last Monday in July preceding the election. [N.J.S.A. 19:60-7](#).

Deadline to File Nominating Petitions	
November 4, 2025, School Election	July 28, 2025 (with the county clerk)

#### **44. Is there a standard form of nominating petition?**

Any form of nominating petition is acceptable as long as it contains the following statutorily required information:

- a. A statement that the signers of the petition are all qualified voters of the school district or, in the case of a regional school district, qualified voters of the constituent district which the candidate shall represent on the board of education of the regional district;
- b. The name, residence and post office address of the person endorsed and the title of the office for which they are endorsed;
- c. That the signers of the petition endorse the candidate named in the petition for that office and request that the person's name be printed upon the official ballot to be used at the ensuing election;
- d. That the person so endorsed is legally qualified to be elected to the office; and
- e. A functioning email address for the candidate.

[N.J.S.A. 19:13-4](#); [N.J.S.A. 19:60-5](#); [N.J.S.A. 19:60-7](#). A nominating petition shall also contain the following notice: "Notice: All candidates are required by law to comply with the provisions of 'The New Jersey Campaign Contributions and Expenditures Reporting Act.' For further information, please call (609) 292-8700." [N.J.S.A. 19:13-4](#); [N.J.S.A. 19:60-5](#).

NJSBA annually prepares a "sample" nominating petition as part of its [Becoming a School Member Board: Candidate Kit](#). Although NJSBA's sample nominating petition has been deemed an acceptable form by most county clerks, *certain county clerks have developed and require the use of their own form of nominating petition*. Before filing a nominating petition, candidates are urged to contact their county clerk for confirmation of which form to use. If the NJSBA sample petition is used, candidates should remove the word "sample" to avoid confusion.

#### **45. How many signatures are required on a nominating petition?**

Effective January 1, 2025, a nominating petition must be signed by at least 25 people, one of whom may be the candidate themselves. See [P.L. 2025, c. 20](#). Each signer must be a qualified voter of the school district or, in the case of a regional school district, a qualified voter of the constituent district, which the candidate shall represent on the regional board of education. In the case of a merged or consolidated school district, the signer may be a qualified voter of any of the municipalities who make up the merged or consolidated school district. [N.J.S.A. 19:60-5](#); [N.J.S.A. 19:60-7](#).

It is recommended that candidates obtain more than 25 signatures in case one or more signatures are invalidated. [N.J.S.A. 19:60-5](#); [N.J.S.A. 19:60-7](#).



**46. Can a candidate sign their own nominating petition?**

Yes, a candidate may be one of the 25 signatories of the nominating petition. [N.J.S.A. 19:13-7](#); [N.J.S.A. 19:60-5](#); [N.J.S.A. 19:60-7](#).

**47. How is a nominating petition circulated?**

A nominating petition can be circulated by the candidate, or by a non-candidate.

Although a non-candidate circulator is not required to be a registered voter, they “shall” be voter eligible. In other words, the non-candidate circulator must be at least 18 years of age, be a resident of the State, be a citizen of the United States, and not otherwise be disqualified as a voter under the New Jersey Constitution. [N.J.S.A. 19:13-7](#).

**48. Does the circulator of the nominating petition have to submit an affidavit?**

Yes. The circulator of a nominating petition, whether the candidate or a non-candidate, is required to make an oath, by *affidavit*, that the nominating petition is made in good faith, that they (the circulator) personally circulated the petition, saw all the signatures on the nominating petition, and believe that the signers of the nominating petition are duly qualified voters. [N.J.S.A. 19:13-7](#).

**49. What other information must be filed with a nominating petition?**

In addition to the affidavit, a certification/verification, signed by the person endorsed in the nominating petition, must be filed with the nominating petition and state that:

- a. The person is qualified to be elected to the office for which the person is nominated, including a specific affirmation that the person is not disqualified as a voter pursuant to [N.J.S.A. 19:4-1](#), and that the person has not been convicted of a disqualifying crime pursuant to [N.J.S.A. 18A:12-1](#);
- b. The person consents to stand as a candidate for election; and
- c. If elected, the person agrees to accept and qualify into that office.

[N.J.S.A. 19:60-6](#).

**50. Can a candidate submit more than one nominating petition for the same seat, if the sum total of the signatures (on all nominating petitions) is equal to the required number of signatures?**

As long as the requisite number of signatures is presented (at least 25), any number of nominating petitions may be submitted for the same candidate for the same seat. Each nominating petition must contain a notarized verification of the signatures by one of the signatories, and the required certificate.

**51. Can candidates file a joint nominating petition?**

Yes. Effective May 30, 2018, two or more candidates may file a joint nominating petition that may include a designation of not more than three words that conveys the principles that the candidate or candidates therein named represent. [N.J.S.A. 19:60-7](#); [N.J.S.A. 19:60-8](#); [N.J.S.A. 19:60-9](#). The designation shall not contain the name, or any derivative or any part thereof, as a noun or an adjective of any political party entitled to participate in a primary election. [N.J.S.A. 19:60-1\(b\)](#); [N.J.S.A. 19:60-7](#). It does not appear that a joint nominating petition requires any more than 25 signatures.

In order to ensure that candidates are “bracketed” together on the ballot, [appropriate written notice](#) must be provided to the board secretary (for April school elections) or the county clerk (for November school elections).

**52. Can a candidate file a nominating petition for a full-term vacancy and a nominating petition for a partial term vacancy?**

No. The nominating petition requires the candidate to certify that, if elected, they will accept the office. Since a candidate can only hold one position on a board, a candidate may file a nominating petition for only one seat on the board. See [Kueken Jr. v. Guzman](#), holding that a board member with 1 year remaining in their term could not run for a new 3-year term without resigning the seat they held prior to the printing of the ballot; [I/M/O Annual School Election Held in the School District of the Township of West Milford](#), holding that a candidate could not simultaneously seek election to two separate seats on the board.

**53. How are nominating petitions filed?**

Nominating petitions may be mailed, filed electronically (email with an attachment), or sent by fax. Candidates should confirm with the board secretary (for April school elections) or the county clerk (for November school elections) if there are other or preferred methods for submission of their nominating petitions.

**54. What if, after a nominating petition is filed, the candidate realizes the nominating petition or affidavit has a defect?**

Pursuant to [N.J.S.A. 19:13-13](#), a candidate may amend their nominating petition or affidavit, or file a new or substitute nominating petition or affidavit, on or before the 3rd day after the last day for the filing of nominating petitions. When amended, the nominating petition or affidavit shall be of the same effect as if originally filed in such amended form. [N.J.S.A. 19:13-13](#).

Importantly, a nominating petition that is defective solely because of an *insufficient* number of signatures (less than 25) *cannot* be amended. [N.J.S.A. 19:13-13](#).

Deadline to Amend Nominating Petitions (Other than Due to Insufficient Number of Signatures)	
November 4, 2025, School Election	July 31, 2025

**55. Can a nominating petition be amended if it contains an insufficient number of signatures?**

No. However, if a new/substitute nominating petition can be submitted prior to the deadline for the filing of nominating petitions, then the substitute nominating petition will be acceptable. In addition, if a nominating petition only has 25 signatures, and one signature is from a person who is not a registered voter, that defect is curable *provided* it can be cured by the deadline to amend, which is on or before the 3rd day after the last day for the filing of nominating petitions. *See Saunders v. Toms River Bd. of Ed.*, 144 N.J. 371 (1996) (adopting the dissenting opinion in 289 N.J. Super. 225 (App. Div. 1996)). [N.J.S.A. 19:13-13](#).

**56. What if the candidate signed the certification/verification, but did not sign the nominating petition itself?**

Assuming that the nominating petition has at least 25 signatures, a candidate who has signed the certification/verification – but not the nominating petition – can *then* sign the nominating petition to cure a defect with a signature. *See I/M/O Cowan*, 265 N.J. Super. 176 (App. Div. 1993) (reasoning that, “If there is already a sufficient number of signatories, it makes no difference in any way relevant to the intendment of the statute whether the cure is by subsequent signature of the verifier or by a substituted verification. The distinction is mechanical and formal only”).

**57. Must the board secretary or the county clerk verify the accuracy of a nominating petition?**

No, it is not the responsibility of the board secretary (for April school elections) or the county clerk (for November school elections) to investigate and verify that the information in a nominating petition is accurate or correct. Instead, the role of the board secretary and county clerk is to determine if the nominating petition is facially sufficient. However, if a board secretary believes that there is an objectionable aspect to a nominating petition, a written objection should be filed with the board so it can render a decision.

**58. What if the board secretary or county clerk receives a verbal objection to a nominating petition?**

The board secretary (April) or county clerk (November) should ask the individual to file a written objection to the nominating petition, as only written objections are valid. [N.J.S.A. 19:13-10](#).

**59. When is the deadline for filing a written objection to a nominating petition?**

The last day to file a written objection to a nominating petition with the board secretary (for April school elections) or with the county clerk (for November school elections) is no later than 4:00 p.m. of the 4th day after the last day for the filing of nominating petitions. [N.J.S.A. 19:13-10](#).

If a written objection is filed, notice must be mailed to the candidate from the board secretary (for April school elections) or from the county clerk (for November school elections) at the place of residence set forth in the candidate's nominating petition. [N.J.S.A. 19:13-10](#).

Deadline to File Written Objections to Nominating Petitions	
November 4, 2025, School Election	August 1, 2025

**60. Who rules on a written objection to a nominating petition, and when is the deadline for issuing a ruling?**

For April school elections, the board of education, and for November school elections, the county clerk.

Following receipt of a timely filed written objection to a nominating petition for April school elections, the board of education shall rule on the objection, and must file its determination with the county clerk on or before the 44th day preceding the April school election. [N.J.S.A. 19:60-7](#). Boards of education are encouraged to ensure that a public meeting is or can be scheduled to address and vote on any objections that may be filed. To the extent that a sitting board member may have signed the nominating petition(s)

that is the subject of an objection, the School Ethics Commission has advised that they may vote on the objection without violating the School Ethics Act. See [C18-03](#) (adopted August 26, 2003).

Following receipt of a timely filed written objection to a nominating petition for November school elections, the county clerk shall rule on the objection, and must file their determination on or before the 10th day after the last day for the filing of nominating petitions. [N.J.S.A. 19:60-7](#).

Deadline to Rule on Written Objections to Nominating Petitions	
November 7, 2025, School Election	August 7, 2025 (by the county clerk)

**61. Can a candidate amend a defective nominating petition or a defective affidavit after a written objection is filed?**

Maybe. Notwithstanding the timeframe in [N.J.S.A. 19:13-13](#) for curing a defective nominating petition or defective affidavit – on or before the 3rd day after the last day for the filing of nominating petitions – [N.J.S.A. 19:60-7](#) permits a candidate for April school elections to amend a defective nominating petition or defective affidavit by no later than the 44th day prior to the April school election, and permits a candidate for November school elections to amend a defective nominating petition or defective affidavit by no later than the 10th day after the last day for the filing of nominating petitions. [N.J.S.A. 19:60-7](#). These timeframes are *after* the deadline to file written objections in the April and November school elections.

Based on [N.J.S.A. 19:60-7](#), and for the November 4, 2025, school election, written objections to a nominating petition need to be filed by August 1, 2025, but candidates can amend a defective nominating petition or defective affidavit by August 7, 2025, which is the same day which a ruling on the written objection must be made.

**62. What happens if a defect is discovered in the nominating petition after the deadline for filing objections with the board secretary or county clerk?**

Nominating petitions in apparent conformity with the law shall be deemed valid *unless* a written objection is timely filed. [N.J.S.A. 19:13-10](#).

**63. May a candidate withdraw a nominating petition?**

Yes. Any candidate may withdraw a nominating petition by filing a written notice, that is signed by the candidate, with the board secretary (for April school elections) before the 44th day before the April school election, or with the county clerk (for November school elections) on the 81st day before the November school election. [N.J.S.A. 19:60-7](#). Following receipt of the written notice, the name of the

candidate shall be withdrawn by the board secretary, and the candidate's name shall not be printed on the ballot.

Deadline to Withdraw a Nominating Petition	
November 4, 2025, School Election	August 15, 2025 (with the county clerk)

**64. What can a candidate do if they believe their rights under the nominating petition have been affected?**

A candidate may file a verified complaint in Superior Court setting forth any invasion or threatened invasion of candidate's rights under the nominating petition. A verified complaint must be filed by a candidate on or before the 46th day before the April election (for April school elections), or the 12th day after the last day for the filing of nominating petitions (for November school elections). [N.J.S.A. 19:60-7](#).

Deadline to File Verified Complaint in Superior Court	
November 4, 2025, School Election	August 9, 2025

**65. Is a nominating petition a public record?**

Rulings from the [Government Records Council \(GRC\)](#) indicate that while nominating petitions are public records, they are not "immediate access" records because they are not specifically enumerated in the Open Public Records Act. [Carter v. Franklin Fire District, GRC \(May 29, 2012\)](#). Nonetheless, boards should consult with their attorneys or the GRC concerning public access to nominating petitions.

**66. If an individual does not file a nominating petition, can they still be elected to the board?**

Yes, but only *if* they receive the greatest number of votes as a write-in candidate.

**67. What if the name of a write-in candidate is spelled incorrectly, or their legal name is not used (e.g., Mike instead of Michael)?**

The name of the write-in candidate must be reasonably attributed to the actual individual with no confusion. See *Petition of Fifteen Registered Voters o/b/o Flanagan*, 129 N.J. Super. 296 (App. Div. July 12, 1974).

**68. Do write-in candidates have to report campaign contributions to ELEC?**

If/when a write-in candidate opens a campaign account (to raise or spend money), they must designate a campaign depository and treasurer, and must also notify the [Election Law Enforcement Commission \(ELEC\)](#) within ten days of opening the account. When submitting information to ELEC, write-in candidates should make it clear that they are a write-in candidate, and indicate which office they are running for in the election.

**C. BALLOT AND BALLOT POSITIONS**

**69. When must the ballots for school elections be ready?**

The county clerk is required to have ready for the printer a copy of the official ballots for all school elections. [N.J.S.A. 19:60-9](#).

For April school elections, the ballots shall be ready not later than the 17th day preceding the election; for special school elections, the ballots shall be ready not later than two business days following receipt by the county clerk of official notice of the complete content of the ballot to be voted upon at that special school election; and for November school elections, the ballots shall be ready on or before the 64th day prior to the general election. [N.J.S.A. 19:14-1](#); [N.J.S.A. 19:60-9](#).

Deadline for Preparation of School Election Ballot	
November 4, 2025, School Election	September 1, 2025

**70. When does the drawing of names for ballot positions occur?**

For April school elections, the drawing shall be done by the board secretary seven *working* days following the last day for the filing of nominating petitions. The time and place for the drawing of name for ballot position is left to the discretion of the board. [N.J.S.A. 19:60-8](#).

For November school elections, the drawing shall be done by the county clerk, and shall be held at 3:00 p.m. on the 85th day prior to the day of the general election. [N.J.S.A. 19:14-12](#). The board secretary does not have a role in the drawing of ballot positions for November school elections.

Drawing of Ballot Positions	
November 4, 2025, School Election	August 11, 2025 (by the county clerk)

**71. Must the candidates be notified of the time and place for the drawing of ballot positions?**

Neither [N.J.S.A. 19:60-8](#) nor [N.J.S.A. 19:14-12](#) requires the board secretary or the county clerk to affirmatively advise candidates about the time and/or place for the drawing of ballot positions. Nonetheless, it is strongly recommended that such notice should be provided.

**72. Do the candidates have to be present for the drawing of ballot positions?**

No, but they are permitted to attend. [N.J.S.A. 19:14-12](#); [N.J.S.A. 19:60-8](#).

**73. Can candidates be bracketed together on the ballot?**

Yes, provided that, at least *seven days before the drawing of ballot positions*, they advise the board secretary (for April school election) or to the county clerk (for November school elections), in writing, that they wish to have their names with their chosen designation (if any) bracketed together, so that their names and designation (if any) are selected as group at the drawing, and their names and designation (if any) are printed together on the ballot. The candidates must determine the order in which their names are to appear within the bracket. [N.J.S.A. 19:60-8](#).

Deadline to Advise of Bracketing	
November 4, 2025, School Election	August 4, 2025 (by the county clerk)

## **D. SAMPLE BALLOTS**

**74. What is a sample ballot?**

A sample ballot is a document sent to registered voters so that they can familiarize themselves with how the ballot will look on election day.

**75. Are sample ballots used in school elections?**

Yes. The county clerk shall cause sample school election ballots to be printed in the same manner as for the general election. [N.J.S.A. 19:60-10](#); [N.J.S.A. 19:14-21](#). The county clerk shall deliver, and the municipal clerk or commissioner of registration shall mail (as applicable) sample ballots to all registered voters. [N.J.S.A. 19:14-21](#).



## 76. What is the deadline for mailing sample ballots?

For April school elections, the latest time at which the county clerk may furnish sample ballots for mailing shall be the eighth day preceding the school election. [N.J.S.A. 19:60-10](#). However, note that a voter who registers after the 29th day prior to the election may, in lieu of a sample ballot, be sent notice of the voter's polling place, information on where to obtain a sample ballot prior to the election, a statement that a sample ballot will be available at the polling place on the date of the election, and, if applicable, information on a county website where a sample ballot may be viewed. [N.J.S.A. 19:60-10.1](#).

For November school elections, the deadline is on or before 12:00 p.m. on the Wednesday preceding the start of the early voting period for the general election. [N.J.S.A. 19:14-25](#).

Deadline for Mailing Sample Ballots	
November 4, 2025, School Election	Wednesday, October 22, 2025

## E. ELECTIONEERING

### 77. What is electioneering?

Electioneering is defined, generally speaking, as conduct that persuades people to vote for a particular party or individual in connection with an election. In New Jersey, certain electioneering activity can constitute a crime that is punishable by a monetary fine and/or a period of incarceration.

For example, a person shall be guilty of a crime of the third degree if, on election day, they tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or obstruct or interfere with any voter, or loiter in or near the polling place, or, with the purpose to obstruct or interfere with any voter or to unduly delay other voters from voting, spend an inordinate amount of time in the polling booth, or do any electioneering within any polling place or within one hundred feet thereof. [N.J.S.A. 19:34-6](#).

A person shall be guilty of a crime of the fourth degree as follows:

- a. No person shall, within the polling room, mark his ballot in a place other than in the polling booth or show his ballot, nor shall anyone request such person to show his ballot during the preparation thereof, nor shall any other person inspect such ballot during the preparation, thereof or after it is prepared for voting in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof, loiter, electioneer, or solicit any voter.
- b. No voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot as provided under law.

- c. No person shall on any pretext carry any official ballot from the polling room on any election day except such persons authorized to do so.

[N.J.S.A. 19:34-7](#).

Finally, if a person distributes or displays any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of one hundred feet of the outside entrance to such polling place or room, that person shall be guilty of a disorderly persons' offense. [N.J.S.A. 19:34-15](#).

## **78. What are the penalties for electioneering?**

If a person is found guilty of electioneering, the penalties will vary.

- a. If convicted of a crime of the third degree, a fine of up to \$15,000, and 3-5 years in prison can be imposed.
- b. If convicted of a crime of the fourth degree, a fine of up to \$10,000, and a prison term not to exceed 18 months can be imposed.
- c. If convicted of a disorderly persons' offense, a fine of up to \$1,000 can be imposed.

[N.J.S.A. 2C:43-3](#); [N.J.S.A. 2C:43-6](#); [N.J.S.A. 19:34-6](#) through [N.J.S.A. 19:34-15](#); [N.J.S.A. 19:34-47](#).

## **F. CHALLENGERS**

### **79. What are challengers?**

A challenger is an individual appointed by a candidate whose appointment papers are issued by the county board of elections. [N.J.S.A. 19:7-4](#). The challenger has the authority to challenge the right to vote of any person, and "shall have power to ask all necessary questions to determine that right." Challengers may be present while votes are being counted, and have the right to challenge the counting or rejecting of any ballot or part of a ballot. [N.J.S.A. 19:7-5](#).

Challengers are entitled to ask the members of the district boards of election at each polling place for the official count of how many voters have voted at each precinct. This information, which cannot be asked for any more often than every two hours, shall be provided to challengers. [N.J.S.A. 19:7-5](#).

In order to be appointed as a challenger, a person must be a registered voter in the county in which the election is located. [N.J.S.A. 19:7-3](#); [N.J.S.A. 19:7-4](#).

**80. Can a candidate for board office be a challenger?**

Yes. A candidate for board office may be a challenger, and may also appoint two challengers for each district in which they may be voted for. [N.J.S.A. 19:7-2](#). However, only one challenger appointed for a party, candidate, or public questions may be present in the polling place at a time, unless express permission is given by the district board of elections. [N.J.S.A. 19:7-6.1](#).

Challengers may also be appointed as proponents or opponents of a referendum. [N.J.S.A. 19:7-2](#).

**81. What is the deadline for the appointment of challengers?**

The appointment of, or application for, challengers shall be filed with the county board of elections not later than the 2nd Tuesday preceding the election. [N.J.S.A. 19:7-3](#).

Deadline for Appointment of Challengers for the Day of the Election	
November 4, 2025, School Election	October 21, 2025

**G. CAMPAIGN CONTRIBUTIONS/EXPENDITURES AND ACTIVITIES**

**82. Must a candidate report all campaign expenditures?**

Candidates for all elected public offices in the State must file reports of their campaign financial activity. A “candidate” is an individual seeking election to a public office of this State or of a county, municipality, or **school** or fire district at any election, and includes individuals who run unopposed, lose an election, withdraw from an election, or raise and/or spend money to run for elected office but never appear on the ballot. All reports, notices, or other forms required to file with ELEC **must** be filed electronically.

ELEC issues a [Compliance Manual for Candidates](#), and it describes all of the reporting requirements for board candidates. The last page of the [Compliance Manual for Candidates](#) also details the forms that need to be completed by all board candidates, whether running as a single candidate or as joint candidates. All candidates running for the board are strongly urged to review this manual, and to be familiar with its contents.

In brief, the “New Jersey Campaign Contributions and Expenditures Reporting Act,” [N.J.S.A. 19:44A-1](#) *et seq.*, and its implementing regulations, [N.J.A.C. 19:25-1.1](#) *et seq.*, requires all board candidates who receive any contribution from any source, including their own funds or in-kind services, regardless of the amount, to file a “Certificate of Organization and Designation of Campaign Treasurer and Depository” form (D-1 or D-2) with ELEC. Form D-1 or D-2 designates a treasurer, and lists the bank in which the campaign account is located. Importantly, Form D-1 or D-2 must be filed within 10 days of the first contribution or expenditure.

Any single candidate who intends to spend more than \$6,900.00 must make a more extensive and detailed report to ELEC, and comply with a number of other procedural requirements. See [Compliance Manual for Candidates](#). Thresholds for joint campaigns are \$13,100.00 for two candidates, and \$18,700.00 for three or more candidates. [N.J.S.A. 19:44A-16](#). Note that threshold amounts are adjusted by ELEC no later than December 1 of each year preceding a gubernatorial election. [N.J.S.A. 19:44A-16](#). They will next be adjusted in 2028 to become effective on January 1, 2029.

A board campaign which costs \$6,900.00 or less is exempt from detailed reporting requirements. *However*, even if expenditures do not exceed \$6,900.00, any currency contribution (cash) regardless of amount, and any contribution (monetary, in-kind, or loan) in excess of \$200.00 from any one source must *still* be reported to ELEC with the source identified.

For further information, candidates may contact ELEC at (609) 292-8700 or toll free at (888) 313-ELEC (3532), or visit [ELEC’s website](#).

### **83. Does a campaign contribution have an impact on the contributor?**

It can. All candidates and their campaign contributors must be aware of pay-to-play legislation which can limit the ability of campaign contributors to subsequently contract with the board of education. [N.J.S.A. 19:44A-20.3 through N.J.S.A. 19:44A-20.25](#). Additionally, any “business entity,” defined as a for-profit entity or business, should be aware that if they have received contracts valued at more than \$50,000.00 in a calendar year, any contributions to a board candidate’s campaign *must* be disclosed to the ELEC. [N.J.S.A. 19:44A-20.26; N.J.S.A. 19:44A-20.27](#). The Department of Community Affairs maintains a website with information about [pay-to-play laws](#).

Finally, the New Jersey Department of Education’s accountability regulations prohibit a board of education from awarding contracts costing \$17,500.00 or more to any business that has made a reportable contribution to a member of the board of education during the preceding year. [N.J.A.C. 6A:23A-6.3](#). The regulations also prohibit a board member from receiving any contributions from a business during the term of a contract with that business. [N.J.A.C. 6A:23A-6.3](#).

**84. Where can a candidate find ELEC’s reporting dates?**

ELEC’s website details the [reporting due dates](#) for school elections in April, and for school elections conducted simultaneously with the general election. Board candidates must be familiar with these deadlines, and the associated “inclusion dates,” to ensure timely compliance.

For further information and guidance, candidates should review ELEC’s [Compliance Manual for Candidates](#); may contact ELEC at (609) 292-8700 or toll free at (888) 313-ELEC (3532); or visit [ELEC’s website](#).

**85. What can a candidate use their campaign contributions for?**

Campaign contributions shall only be used for: (1) the payment of campaign expenses; (2) contributions to any charitable organization or nonprofit organization, except any charitable organization of which the candidate or a member of their immediate family is a paid officer, director, or employee, or receives compensation for goods or services provided to the organization; (3) transmittal to another candidate, candidate committee, or joint candidates committee, or to a political committee for the lawful use by such other candidate or committee; (4) the payment of overhead and administrative expenses related to the operation of the candidate committee; (5) the pro rata repayment of contributors; or (6) the payment of ordinary and necessary expenses of holding public office. [N.J.S.A. 19:44A-11.2](#).

**86. Can childcare costs be paid for with campaign contributions?**

Only if certain stringent requirements are satisfied. Pursuant to [N.J.S.A. 19:44A-11.2](#), expenses incurred by a candidate for childcare *may* be paid from campaign contributions *only if* the expenses are for providing care for the well-being and protection of the child outside of the home, in a childcare facility, or in the home of the office holder or candidate. Eligible expenses *shall* be those that result directly from activities in which the candidate engages for the purposes of a campaign for public office, *and would not have otherwise been incurred but for those activities*. Childcare expenses *shall not* include payments to a member of the candidate’s household.

**87. Can litigation or legal costs arising from campaign activities be paid for with campaign contributions?**

Yes. Expenses incurred by the holder of a public office or by a candidate for litigation or legal costs arising from campaign activities can be paid from campaign contributions. [N.J.S.A. 19:44A-11.2](#).

**88. If a candidate for a board election is offered and accepts any benefit for a decision, opinion, recommendation, vote, or exercise of discretion once elected to the board, can they be charged with bribery? Does it matter whether the candidate is successful in their bid for election?**

Yes and, if convicted, they could face imprisonment and be required to pay a significant fine(s) and other court costs. [State v. O'Donnell, 2023 N.J. Lexis 842 \(August 7, 2023\)](#).

Bribery is a crime of the second degree, and is punishable by a fine up to \$150,000, and 5-10 years in prison. However, if the benefit offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted is of the value of \$200.00 or less, the offense is a crime of the third degree. If convicted of a crime of the third degree, a fine of up to \$15,000 fine, and 3-5 years in prison can be imposed. [N.J.S.A. 2C:43-3](#); [N.J.S.A. 2C:43-6](#); [N.J.S.A. 19:34-6](#) through [N.J.S.A. 19:34-15](#); [N.J.S.A. 19:34-47](#).

Of importance, a candidate can be charged with bribery even if they are not successfully elected.

**89. If, once elected, a board member is offered and accepts any benefit for a decision, opinion, recommendation, vote, or exercise of discretion in connection with their official duties, can they be charged with bribery?**

Yes, and, in addition to being charged with bribery, they can also be charged with violating the School Ethics Act. As a result, a board member could face both criminal and administrative consequences.

*For additional information on ELEC, please refer to its [website](#).*

**[RETURN TO INDEX](#)**

## **IV. HOW ELECTIONS ARE CONDUCTED**

### **A. GENERAL/PROCEDURAL INFORMATION**

#### **90. Who appoints election officials for school elections?**

For school elections at times other than at the time of the general election, the county board of elections designates two members of the district board of elections to oversee the school election. Where electronic voting systems are in use in an election district in which there are more than 900 registered voters, four members of the district board of elections are designated. The county board of elections shall appoint one of the designated persons to serve as judge of school elections and the other (or another) to serve as the inspector for school elections. [N.J.S.A. 19:60-3](#).

#### **91. How much are election workers paid?**

For April school elections, district board of elections members are paid by the board of education at an hourly rate commensurate with the State minimum wage, except that the board of education may compensate such district board of elections members at a pro-rated hourly rate consistent with the daily rate up to a maximum of \$21.43. [N.J.S.A. 19:45-6](#).

For the primary election, the general election, and any special election, the compensation for each member of the district board of elections who performs services in connection with the election shall receive \$300.00. However, a county may, at its discretion, provide additional compensation to the members of all district boards of elections in the county, but the amount of additional compensation shall be determined and paid by the county. [N.J.S.A. 19:45-6](#).

Additional compensation is paid to the member(s) of the district board of elections charged with the duty of obtaining and signing for the signature copy registers; to the member(s) of the district board of elections charged with the duty of returning the signature copy registers; and to any member(s) of the district board of elections who is required to attend training. [N.J.S.A. 19:45-6](#).

#### **92. What is the role of the municipal clerk in school elections?**

On or before April 1, the municipal clerk shall certify to the county board of elections a suggested list of suitable polling places. [N.J.S.A. 19:8-2](#). The municipal clerk also assists the county board of elections and the county clerk in the distribution and collection of election supplies/materials. [N.J.S.A. 19:9-5](#).

**93. What is the role of the county clerk in school elections?**

The county clerk has a variety of school election duties including, but not limited to: printing ballots; printing and mailing sample ballots; advertising for and mailing mail-in ballots; and reporting the result of the tally sheets to the municipal clerk. [N.J.S.A. 19:49-4](#); [N.J.S.A. 19:53C-20](#); [N.J.S.A. 19:60-10](#).

In addition, and as detailed [above](#), the county clerk, as opposed to the board secretary in April school elections, is responsible for certain legal requirements and mechanical duties for November school elections because it is conducted simultaneously with the general election.

**94. What is the role of the county board of elections?**

The county board of elections has a variety of school election duties, including but not limited to: publishing election notices; appointing and certifying district board of election workers; appointing the judge and inspector for the school election; receiving requests for and appointing and certifying challengers; establishing polling places; advertising the school election; redistricting; ordering voting authority pads; counting mail-in ballots; recounts; and certifying the election. [N.J.S.A. 19:8-2](#); [N.J.S.A. 19:8-3.1](#); [N.J.S.A. 19:8-5.1](#); [N.J.S.A. 19:9-2](#); and [N.J.S.A. 19:12-7](#).

In certain counties, the county board of elections orders poll list books, and informs candidates that voting machines are ready for inspection.

**95. When must the county board of elections provide notice regarding school elections, and what information needs to be included?**

For November school elections, the county board of elections shall publish notice of the school election once during the 30-day period preceding the voter registration deadline, and once during the calendar week preceding the week in which the early voting period for the general election begins. [N.J.S.A. 19:12-7](#).

Notice Regarding School Elections	
November 4, 2025, School Election	Once between Sunday, September 14, 2025, and Monday, October 13, 2025  -and-  Once between Sunday, October 12, 2025, and Saturday, October 18, 2025



For the November school election, the notice from the county board of election shall include:

- a. That the annual school election will be held on the day (the date of the general election) and between the hours and at the places provided by statute;
- b. The place or places at which and the hours during which a person may register, the procedures for transfer of registration and the date on which the books are closed for registration or transfer of registration;
- c. The board offices to be filled, notice of any school district proposition to be submitted to the people;
- d. The existence of registration and voting aids;
- e. The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write;
- f. That a voter who, prior to the election, shall have moved within the same county without:
  - i. filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election,
  - ii. returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or
  - iii. otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election.

The notice shall additionally advise the voter that they may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

[N.J.S.A. 19:12-7.](#)

For both the April and November school elections, the county board of elections shall post a voter information notice, known as a voter's bill of rights, in a conspicuous location in each polling place before voting begins. Notices of the school election shall set forth a general description of the contents of the voter information notice, how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election. [N.J.S.A. 19:12-7.1.](#)

**96. What is the role of the Superintendent of Elections?**

In counties with a Superintendent of Elections, the Superintendent of Elections has a variety of school election duties which include, but are not limited to: investigating all complaints related to voter registration; preparing a “challenge list” containing the names and the addresses of all persons who lost the right to register from the addresses within such election district from which they registered at the last preceding election; preparing a “challenge list” containing the names and addresses of all persons registered in the district whom they believe or has reason to suspect are not entitled to vote; after the counting and canvassing of the ballots by any district board, taking possession and sealing any ballot box(es) with a seal; removing from any polling place any person who is unlawfully interfering with the lawful conduct of any election; the custody and control of all voting machines; and providing each polling place with a sufficient number of complaint forms that can be completed if a voter has concerns about how the election was conducted at the polling place where they voted. [N.J.S.A. 19:32-4.1; N.J.S.A. 19:32-5; N.J.S.A. 19:32-10; N.J.S.A. 19:32-11; N.J.S.A. 19:32-25; N.J.S.A. 19:32-30; N.J.S.A. 19:32-34; N.J.S.A. 19:34-48; N.J.S.A. 19:43-49.](#)

**97. Who handles complaints about Election Day irregularities?**

All complaints concerning Election Day irregularities can be referred to the Superintendent of Elections and/or county election officials, with an appeal to a designated Superior Court judge within the county where the school district is located. *N.J. Court Rules 4:3-2*. Complaints concerning election crimes would be handled by the prosecutor in the county where the alleged crime occurred, or by the Attorney General.

**98. Does the New Jersey Attorney General have a role in irregularities?**

Yes. Although the Secretary of State is the Chief Elections Officer of New Jersey, the Attorney General (and the Superintendent of Elections) retains various responsibilities with respect to the oversight of the county boards of election.

**99. Who ensures compliance with the campaign expenditures requirements?**

ELEC ensures compliance with the required reporting of campaign contributions, campaign materials, and campaign spending. [N.J.S.A. 19:44A-1 et seq.](#) All candidates are required by law to comply with the provisions of the “New Jersey Campaign Contributions and Expenditures Reporting Act,” [N.J.S.A. 19:44A-1 et seq.](#), and its implementing regulations, *N.J.A.C. 19:25-1.1, et seq.* For additional information, please call ELEC at (609) 292-8700, or visit [ELEC’s website](#).

## B. VOTER REGISTRATION AND QUALIFICATIONS

### 100. Who can register to vote?

In order to be eligible to register to vote, a person must be:

- a. At least 17-years-old at the time of registration, and 18-years-old on or before the first election in which they expect to vote;
- b. A citizen of the United States;
- c. A resident of the State and county for at least 30 days prior to the election in which they expect to vote.

[N.J.S.A. 19:31-5.](#)

### 101. Must the voter be a resident of the district for at least 30 days prior to *registering to vote*?

No, there are no residency requirements that need to be satisfied in order to register to vote. However, a person cannot vote on the day of the election *unless* they have been a resident of the State and county for at least 30 days prior to the election.

### 102. What is the deadline to register to vote?

Voters must register on or before the 21st day preceding the election date. [N.J.S.A. 19:31-6](#). Voter registration can be completed [online](#) or by filing out a [county-specific paper registration form](#). The Department of State, Division of Elections' [website](#) contains detailed information on the voter registration process, and allows individuals to [verify](#) they are registered to vote.

Deadline for Voter Registration	
November 4, 2025, School Election	October 14, 2025

### 103. If a registered voter is only 17 years old, when can they vote?

In order to vote, the 17-year-old must turn 18 years old on or before the election in which they expect to vote. Until they reach 18 years of age, a 17-year-old registrant is designated in the Statewide voter registration system as “temporary ineligible to vote.” [N.J.S.A. 19:31-5](#).

However, effective **January 1, 2026**, any registered voter who is 17 years old will be permitted to vote in the primary election in June 2026 *provided that* they turn 18-years-old on or before the next succeeding general election, which is on November 3, 2026. [N.J.S.A. 19:4-1.2](#).

#### **104. Can a local municipality lower the voting age for school elections?**

Yes. On January 10, 2024, the City of Newark became the first municipality in New Jersey to adopt an ordinance lowering the voting age from 18-years-old to 16-years-old for school elections. In order to be eligible to vote, an individual must be a citizen of the City of Newark; be at least 16 years old or turn 16-years-old on or before the date of the school election; have resided within the City of Newark for a minimum of 30 days “immediately preceding any non-runoff election”; and be registered to vote.

On April 15, 2025, nearly two thousand 16- and 17-year-old students in the City of Newark voted in their first school election.

Of note, this ordinance only applies to school elections in the City of Newark, and does not permit 16- and 17-year-olds to vote in State and/or federal elections, or in any other municipality. However, and as noted [above](#), **effective January 1, 2026**, registered 17-year-old voters can vote in the primary election in June 2026 *as long as they* turn 18-years-old on or before the next succeeding general election, which is on November 3, 2026. [N.J.S.A. 19:4-1.2](#).

Other cities throughout the State are considering adopting ordinances similar to the one adopted in the City of Newark; however, the City of Newark is the only one to have done so to date.

#### **105. Can someone be disqualified from voting?**

Yes. [N.J.S.A. 19:4-1](#).

#### **106. What would cause a voter to be “disqualified”?**

Pursuant to [N.J.S.A. 19:4-1](#), a person shall be disqualified from voting if:

1. They have been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting; or
2. They have been convicted of violating any provision of Title 19, and criminal penalties were imposed, including the deprivation of the right to vote while serving a sentence of incarceration (unless pardoned or the right to vote was restored); or

3. They will be convicted of violating any provision of Title 19, and criminal penalties will be imposed, including the deprivation of the right to vote while serving a sentence of incarceration (unless pardoned or the right to vote was restored); or
4. They are serving a sentence of incarceration following a conviction for an indictable offense under the laws of any state or the laws of the United States.

## **C. POLLING PLACES**

### **107. How are polling places established?**

On or before April 1, the municipal clerk certifies to the county board of elections a suggested list of suitable polling places. Ultimately, the county board of elections selects the polling places, and may choose places not suggested by the municipal clerks when deemed expedient. [N.J.S.A. 19:8-2.](#)

On or before May 15 of each year, the county board of elections shall certify a list of the selected polling places to the sheriff, county clerk, superintendent of elections, and each municipal clerk. [N.J.S.A. 19:8-4.](#) Where the county board of elections fails to agree on the polling place for any election district, the county clerk shall, within five days of the election, select the polling place. [N.J.S.A. 19:8-2.](#)

### **108. Where can polling places be located?**

The county board of elections may select, as polling places, the school(s) or public building(s) in any municipality in the county, regardless of whether the school(s) or public building(s) is located within the election district for which the polling place is established. The county board of elections must also designate the rooms or places, entrances, and exits to be used in the school(s) or public building(s). [N.J.S.A. 19:8-3.](#)

County board of elections must give preference to school and public buildings if space can be made available without “detrimental interruption of school or the usual public services” provided in the public building. In no case shall the authorities in charge of a public school or other public building deny the request of the county board of elections to use, as a polling place, of any building they own or lease. [N.J.S.A. 19:8-2.](#)

However, if school officials believe that holding an election in a particular school building would cause “detrimental interruption of school,” they are encouraged to communicate this information to the county board of elections. School officials should be prepared to explain the reasons for anticipating “detrimental interruption of school.” Should the county board of elections persist in its designation of that school building as a polling place, the school district’s remedy would appear to be in Superior Court, but the board should seek legal advice and guidance from its legal counsel.

**109. Can the board of elections choose a non-school or non-public building as a polling place?**

Although the county board of elections may select a polling place other than a school or public building when it would be inconvenient for voters to designate the school or public building as the polling place, consideration shall always be given to the needs of individuals with disabilities and to the elderly.

[N.J.S.A. 19:8-3.](#)

**110. Can the board of elections choose a polling place outside of the election district?**

The county board of elections may select a polling place outside of the election district, but such polling place shall not be located more than 1,000 feet from the boundary line of the election district.

However, the Secretary of State may permit a polling place to be more than 1,000 feet from the boundary line of the election district if there is no suitable polling place accessible to individual with disabilities and the elderly within the election district, or within 1,000 feet from the boundary line of the election district. [N.J.S.A. 19:8-2.](#)

**111. Must polling places be accessible to elderly and physically disabled voters?**

Yes. Each polling place selected by the county board of elections must be accessible to individuals with disabilities (pursuant to state and federal law) and to the elderly, unless the Attorney General determines that a state of emergency exists that would otherwise interfere with the administration of that election, or the Attorney General grants a temporary waiver for accessibility. *Americans with Disabilities Act of 1990*, 42 U.S.C. § 12101 *et seq.*; [N.J.S.A. 19:8-2;](#) [N.J.S.A. 19:8-3.1;](#) [N.J.S.A. 19:8-3.7.](#)

The Attorney General may grant a temporary waiver “based upon a determination that all potential polling places have been surveyed and no accessible polling place is available,” and the municipality is unable to make a polling place temporarily accessible in or near the election district. [N.J.S.A. 19:8-3.1.](#) Temporary waivers shall be granted no more than twice for any polling place, and each waiver shall be granted for no more than one year. [N.J.S.A. 19:8-3.1.](#)

On or before May 15 of every other year, each Voting Accessibility Advisory Committee shall report to the Secretary of State and the county board of elections a list of all polling places in the county, specifying any found inaccessible. The Voting Accessibility Advisory Committee shall consult with the county board of elections to determine the efforts made to locate alternative polling places, or the actions needed to make the existing facilities accessible. [N.J.S.A. 19:8-3.4.](#) In the Department of Law and Public Safety, a non-lapsing fund exists for the purpose of improving and ensuring polling place compliance with the *Americans with Disabilities Act of 1990*, 42 U.S.C. § 12101 *et seq.*

**112. What can elderly or physically disabled voters do if they are assigned to an inaccessible polling place?**

The Secretary of State shall ensure that, in any election, a voter who is elderly or has a disability and is assigned to an inaccessible polling place will, upon advance request of the voter, be permitted to vote at an alternative, accessible polling place nearest to that voter's residence which has a common ballot, or be provided with a mail-in ballot as an alternative means of casting a ballot on election day. [N.J.S.A. 19:8-3.2](#).

**113. Can polling places be consolidated?**

Yes. For school elections held at times other than at the time of the general election, upon the request of a board of education, the municipal clerk, or upon its own initiative, the county board of elections may designate the polling place and voting equipment of one election district to serve as the polling place and voting equipment for the voters of one or more other election districts. [N.J.S.A. 19:60-3](#).

In order to be eligible for consolidation, a polling place must have had no more than 500 ballots cast for each of the two preceding annual school elections by the voters of the election districts for which that polling place is designated. If, at two consecutive annual school elections after consolidation, more than 500 ballots are cast in the consolidated election districts, the county board of elections shall make an appropriate revision. [N.J.S.A. 19:60-3](#).

**114. How are election duties assigned when polling places are consolidated?**

If one polling place is designated for two or more election districts, the county board of elections shall, for school elections held at times other than at the time of the general election, designate at least two members from among the members of the district boards of election of those election districts to perform school election duties. The county board of elections shall also appoint one of the persons so designated to serve as judge, and another to serve as inspector for school elections. [N.J.S.A. 19:60-3](#).

## **D. VOTING**

**115. How do you vote in New Jersey?**

There are *three ways* to vote in New Jersey: by mail-in ballot; in-person early voting; or at your polling place on election day. *However*, in-person early voting is only permitted for certain primary and general elections and, therefore, is not available for April school elections.

Municipalities that conduct regular municipal elections in May can, by ordinance adopted by their governing body, conduct early voting for their regular municipal elections. [N.J.S.A. 19:15A-1](#).

**116. Is write-in voting permitted in New Jersey?**

Yes.

**117. How do I vote for a write-in candidate on election day?**

The county board of elections decides how write-in votes will be submitted. Generally speaking, write-in votes are submitted in one of two ways: (1) a **separate** write-in ballot (in the form of a paper ballot, card or envelope) is provided to voters to write in the title of the office and the name of the person(s) for whom they wish to vote, or to attach a sticker of suitable size on which is printed the title of the office and the name of the person(s) for whom they wish to vote; or (2) provisions are made for the voter to write the name of the person(s) for whom they wish to vote on the ballot card in the location designated, and to mark the ballot card in the location provided. [N.J.S.A. 19:53A-5](#).

## **1. MAIL-IN BALLOTS**

**118. Can New Jersey voters vote by mail?**

Yes, all qualified and registered voters are eligible to vote by mail in all elections. However, they must first complete and submit a mail-in ballot application. [N.J.S.A. 19:63-3](#). As part of their application, qualified voters can choose to vote using a mail-in ballot in **all** future elections for which they are eligible to vote, or to vote using a mail-in ballot in a **single** election. [N.J.S.A. 19:63-3](#); [N.J.S.A. 19:63-3.1](#); [N.J.S.A. 19:63-3.5](#).

A voter who chooses to vote using a mail-in ballot in all future elections shall automatically be provided with a mail-in ballot from the county clerk **unless** (1) the voter requests, in writing, that they no longer receive a mail-in ballot or (2) the voter does not vote by mail in four consecutive years. [N.J.S.A. 19:63-3](#); [N.J.S.A. 19:63-3.1](#); [N.J.S.A. 19:63-3.5](#).

Although a mail-in application requires the voter to provide their telephone number and email address, this information is not subject to disclosure under the Open Public Records Act. However, this information can be used to contact the voter concerning the acceptance or rejection of their ballot, and to advise how they can cure a defect. [N.J.S.A. 19:63-3](#).

**119. By when, and to whom, must a voter submit an application for a mail-in ballot?**

*Not less than seven days before an election* in which a voter wants to vote by mail, the voter may apply to the *county clerk* for a mail-in ballot. The application shall be in writing, shall be signed by the applicant,



and shall state the applicant's place of voting residence and the address to which the ballot shall be sent. [N.J.S.A. 19:63-3](#); N.J.A.C. 15:10-4.2. The county clerk shall stamp the date on which the application was received in the clerk's office. [N.J.S.A. 19:63-5](#).

Beginning **January 1, 2026**, and thereafter, *not less than seven days before an election* in which a voter wants to vote by mail, instead of submitting an application to the county clerk, the voter may apply for a mail-in ballot *electronically* through the *voter registration website* established by the Secretary of State. The application shall be in electronic form, shall be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and shall state the applicant's place of voting residence and the address to which the ballot shall be sent. [N.J.S.A. 19:63-3](#).

Deadline to Request Mail-in Ballot	
November 4, 2025, School Election	October 28, 2025

**120. What if a voter fails to apply for a mail-in ballot not less than seven days before the election?**

Any voter who fails to apply for a mail-in ballot not less than seven days before an election can still apply to the *county clerk, in-person*, for a mail-in ballot, and may do so up to 3:00 p.m. of the day before the election. [N.J.S.A. 19:63-3](#).

**121. Can a voter, as part of their mail-in application, ask for the ballot to be sent to a secondary address?**

Yes, but if the mail-in ballot is returned or marked undeliverable for two consecutive general elections, future mail-in ballots shall be mailed to the voter's address where they are registered to vote. [N.J.S.A. 19:63-3](#); [N.J.S.A. 19:63-9](#).

**122. Who is responsible for publishing the notice for mail-in ballots?**

For a school election in a regional or other school district comprising more than one municipality, the county clerk is responsible for publishing the notice for mail-in ballots ("Notice to Persons Wanting Mail-in Ballots"). For a school election in a school district comprising a single municipality, the municipal clerk is responsible for publishing the notice for mail-in ballots ("Notice to Persons Wanting Mail-in Ballots"). [N.J.S.A. 19:63-6](#).

The Secretary of State shall provide the public notice deemed necessary to inform members of the armed forces of the United States and overseas federal election voters on how to obtain valid overseas federal election voter registration and ballot applications. [N.J.S.A. 19:63-6](#).

### **123. When and how are notices for mail-in ballots published?**

Notice to qualified and registered voters desiring mail-in ballots must be published prior to the 55th day immediately preceding the election. [N.J.S.A. 19:63-6](#).

Notices shall be published in at least one newspaper in each municipality or district in which the election is to be held or, if no newspaper is published in the municipality or district, then in a newspaper published in the county and circulating in the municipality or district. Notices must be “display advertisements.” [N.J.S.A. 19:63-6](#).

Notification of Mail-in Ballots	
November 4, 2025, School Election	Prior to September 10, 2025

### **124. If a voter applies for a mail-in ballot, when will they receive their ballot?**

On or before the 45th day before the election, the county clerk shall send mail-in ballots to each qualified and registered voter whose application was approved. [N.J.S.A. 19:63-9](#).

### **125. How can a voter submit their mail-in ballot?**

A mail-in ballot can either be mailed to the county board of elections, delivered to the county board of elections’ office, or placed in a secure “ballot drop box” in the county. [N.J.S.A. 19:63-16](#); [N.J.S.A. 19:63-16.1](#).

### **126. What is a ballot drop box?**

A ballot drop box is a secured drop box operated by the county board of elections that is not required to be within view of a live person for monitoring. Voters may place their ballots in the ballot drop box any time following receipt of their ballot, up until the polls close at 8:00 p.m. on the day of the election. [N.J.S.A. 19:63-16.1](#).

The county board of elections shall establish ballot drop boxes at least 45 days before the election, and shall establish no less than 10 ballot drop boxes. Ballot drop boxes are available to voters 24 hours per day, and shall be placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. [N.J.S.A. 19:63-16.1](#).

## 127. What is the deadline for receipt of mail-in ballots?

In order to be counted, the mail-in ballot must be received by the county board of elections *by no later than 8:00 p.m.* (the time designated for the closing of polls) *on the day of the election.* [N.J.S.A. 19:15-2](#); [N.J.S.A. 19:63-16](#).

However, note that mail-in ballots bearing a postmark date *before or of* the day of election, and received by the county board of elections within 144 hours (6 days) after the closing of the polls, shall be considered valid and shall be canvassed. In addition, mail-in ballots that do not bear a postmark date, but are received by the county board of elections by delivery of the United States Postal Service *before or within 48 hours* after the closing of the polls, shall also be considered valid and shall be canvassed. [N.J.S.A. 19:63-22](#).

## 128. How can a voter verify that their mail-in ballot was received?

Voters can track the status of their mail-in ballot by using the [“Track My Ballot” portal](#) on the Department of State, Division of Elections’ website, or can contact the county clerk.

***For additional information on mail-in ballots, including a list of frequently asked questions, please refer to the Department of State, Division of Elections’ [website](#).***

## 2. IN-PERSON EARLY VOTING

### 129. Is in-person early voting permitted for all elections?

No. In-person early voting is only permitted for certain primary and general elections, and in those municipalities that have adopted early voting for their regular municipal election in May. [N.J.S.A. 19:15A-1](#). Therefore, in-person early voting is not available for April school elections, but is available for November school elections as they are conducted simultaneously with the general election.

### 130. When is in-person early voting?

The early voting period shall: (1) start on the 4th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election; (2) start on the 6th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; or (3) start

on the 10th calendar day before a general election and end on the second calendar day before that general election. [N.J.S.A. 19:15A-1](#).

Early Voting Period for November School Election	
November 4, 2025, School Election	From October 25, 2025, to November 2, 2025

### **131. How many early voting locations will be established?**

Each county board of elections shall designate at least three, but not more than five, public locations within each county as the sites for early voting. However, if the number of registered voters in the county is at least 150,000 but less than 300,000, the county board of elections shall designate at least five, but not more than seven, public locations for early voting. Furthermore, if the number of registered voters in the county is 300,000 or more, the county board of elections shall designate at least seven, but not more than 10, public locations for early voting. County boards of election can, in their discretion, establish additional locations. [N.J.S.A. 19:15A-1](#).

### **132. Where will the early voting locations be located?**

To the fullest extent possible, early voting locations should be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, and access in various geographic areas of the county. [N.J.S.A. 19:15A-1](#).

In addition, all early voting locations shall be public facilities, such as county courthouses, public libraries and the offices of the municipal clerk, county clerk, and county board of elections, or places of public accommodation. However, no public school building and no building used as a public school shall be designated as an early voting location. [N.J.S.A. 19:15A-1](#).

### **133. At which location can a voter vote?**

A voter shall be permitted to vote at any early voting site in the voter's county. [N.J.S.A. 19:15A-1](#).

### **134. When will the early voting locations be open?**

Each early voting site in a county or municipality shall be open for early voting on Monday through Saturday from at least 10:00 a.m. through 8:00 p.m., and on Sunday from at least 10:00 a.m. until 6:00 p.m. Any voter who is in line at the time scheduled for the closing of an early voting site shall be permitted to vote. [N.J.S.A. 19:15A-1](#).

**135. Who is responsible for conducting early voting?**

The election officers responsible for conducting early voting shall be the same as those responsible for conducting the primary or the general election. The number of election officers and their hours of service shall be determined by each county board of election, and their compensation shall be the same as provided to district board of election members serving at a school election. [N.J.S.A. 19:15A-1](#).

**136. Do the restrictions governing the conduct of voters at a polling place (on election day) apply to early voting?**

Yes, the restrictions governing the conduct of voters at a polling place on the days that early voting occurs, the procedures governing who is permitted in a polling place on such occasions, and the prohibition on electioneering within 100 feet of a polling place during an election (or 200 feet if extended at the discretion of the county board of elections) shall be the same as those that apply at polling places on election day. [N.J.S.A. 19:15A-1](#); [N.J.S.A. 19:34-15](#).

Each county board of election must also ensure that each polling place used for early voting is accessible to individuals with disabilities and to the elderly. [N.J.S.A. 19:15A-1](#).

**137. Can challengers be appointed for early voting sites?**

Yes. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for each early voting site. If they belong to an organization represented by a county or municipal committee of any political party, then the chairperson of the committee may appoint two challengers. [N.J.S.A. 19:15A-2](#).

As noted [above](#), a candidate can serve as a challenger.

**138. By when must the county board of elections receive notification about challengers?**

The name and address of each challenger, together with the number or name and location of the early voting site at which the challenger is to serve, shall be filed with the county board of elections not later than the fifth day preceding the start of the early voting period. [N.J.S.A. 19:15A-2](#).

Deadline for Appointment of Challengers for the Early Voting	
November 4, 2025, School Election	October 20, 2025

**139. What powers does a challenger have (for early voting)?**

Each challenger shall have all the [powers](#) of challengers serving at any other election, including on election day. [N.J.S.A. 19:15A-2](#).

*For additional information on in-person early voting, please refer to the Department of State, Division of Elections' [website](#).*

### **3. VOTING AT THE POLLING PLACE ON ELECTION DAY**

**140. When are polls open on election day?**

For April school elections, the polls shall be open on election day between the hours of 4:00 p.m. and 8:00 p.m., and during any additional time which the board of education may designate between the hours of 6:00 a.m. and 8:00 p.m. [N.J.S.A. 19:15A-2](#).

For November school elections, which is held on the date of the general election, the polls shall be open from 6:00 a.m. to 8:00 p.m. [N.J.S.A. 19:15A-2](#).

**141. How does a voter find their polling place?**

Voters can find their polling location using the Department of State, Division of Elections' "[Polling Place Search Tool](#)."

### **4. PROVISIONAL BALLOTS**

**142. What is a provisional ballot?**

A provisional ballot is a paper ballot that is used at the polling place on election day for people whose eligibility to vote is at issue, and must be resolved by county board of election officials, not the district board workers at the polling place. [N.J.S.A. 19:53C-1 et seq.](#)

### 143. Why would a voter need to complete a provisional ballot?

A voter must complete a provisional ballot if: (1) they are a registered voter in the county but moved within the county since registering to vote; (2) they are registered to vote but their registration information is not complete in the poll book (e.g., their signature or address is missing); (3) they are an “Active Need ID” voter who has not provided identification information; or (4) there is an indication in the poll book that they applied for a mail-in ballot, but they tell the board worker that (a) they did not apply for a mail-ballot; (b) they applied for a mail-in ballot but never received it; or (c) they received their mail-in ballot, but never returned it. [N.J.S.A. 19:53C-1](#).

The county clerk is responsible for preparing each provisional ballot package with an appropriate number of provisional ballots, a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. [N.J.S.A. 19:53C-1](#).

## E. ELECTION RESULTS

### 144. When are election results certified?

The board of county canvassers of each county shall meet on the 15th day following the election, at 12:00 p.m., at the county courthouse to check the canvass which shall have been made by the county clerk. The county clerk shall have prepared, prior to the 15th day, a compilation (in tabulated form) of the results. [N.J.S.A. 19:19-1](#). If necessary, this meeting can be adjourned. [N.J.S.A. 19:19-4](#); [N.J.S.A. 19:19-6](#).

Deadline for Certification of Election Results	
November 4, 2025, School Election	November 19, 2025

### 145. What happens in the event of a tie?

If both candidates can be seated (because there is more than one vacancy), there is no issue. However, if there is only one vacancy, the vacancy will be filled, pursuant to [N.J.S.A. 18A:12-15](#), as follows:

- a. A recount and certification of the election results.
- b. If the vote remains tied following the recount and certification of the election results, a special election must be held within 60 days of the school election (and will be limited to the tied candidates).
- c. If the vote remains tied following the special election, the county superintendent shall fill the vacancy.

Boards that may need to conduct a special school election due to a tie vote should consult with their attorney for guidance and direction in doing so.

**146. What happens if there is a failure to elect due to improper election procedures?**

As with a tie, a special school election must be held within 60 days of the school election, and is limited to the disputed seats and to those who were already candidates in the election. [N.J.S.A. 18A:12-15](#).

**147. What happens if there is a failure to elect due to improper campaign practices?**

In accordance with [N.J.S.A. 18A:12-15\(e\)](#), the Commissioner of Education will fill the vacancy.

**148. How are write-in votes counted?**

As required by [N.J.S.A. 19:16-3](#) and [N.J.S.A. 19:16-4](#):

- a. If a voter writes or pastes the name of any person in the column designated personal choice, and that person's name already appears on the ballot, then the ballot shall not be counted for that office.
- b. If a person's name is written in more than once, the write-in vote is counted as only one vote.
- c. The name of the write-in must be reasonably attributed to the actual individual with no confusion. The final determination rests with the district board of election in the first instance, and ultimately in Superior Court. *See Petition of Fifteen Registered Voters o/b/o Flanagan*, 129 N.J. Super. 296 (App. Div. July 12, 1974).

**149. What happens if a candidate wins the seat they are running for, and also receives the highest number of votes as a write-in candidate for another seat?**

The successful candidate would choose which seat they want to fill. Once the candidate chooses their seat, a vacancy would then exist in the other seat, and would be filled in the usual manner for filling vacancies. [N.J.S.A. 18A:12-15](#); [N.J.S.A. 19:3-5.2](#). For example, a candidate who wins the three-year term for which they ran, and also receives the highest number of votes as a write-in candidate for a one-year unexpired term would get to choose which seat to fill.

**150. What happens if there are fewer candidates than available board seats?**

If, for example, there are three vacant seats but only two candidates, then write-in votes would be counted, and the individual with the highest number of write-in votes would be offered the seat *as long as* they otherwise satisfy the qualifications to serve. If the person does not wish to serve, or is not



otherwise qualified to serve, then the county superintendent would most likely fill the vacant seat due to an absence of candidates. It does not appear that the next highest vote-getter would be given the seat.

If there is a tie among the write-in candidates, a special election is called among the write-in candidates, but only when more than one is qualified and wishes to hold the position. [N.J.S.A. 18A:12-15](#); [N.J.S.A. 19:3-4](#).

If there are no write-in votes, then the county superintendent would fill the vacancy(ies) due to an absence of candidates. [N.J.S.A. 18A:12-15](#).

**151. Is there a minimum number of write-in votes necessary for election?**

No. If a seat on the ballot has no candidates, a single write-in vote can elect a person so long as they are qualified to serve, and they agree to accept the office. [N.J.S.A. 19:3-4](#).

**152. What happens if a board member elect dies before taking office? How is the vacancy filled?**

Historically, election officials have advised that the county superintendent would fill the vacancy due to a lack of qualifications. [N.J.S.A. 18A:12-15\(a\)](#). Of note, it does not appear that the seat automatically goes to candidate with the next highest votes. [N.J.S.A. 19:3-4](#). In some instances, however, election officials have directed the board to fill the vacancy. If this situation occurs in your district, you should consult with your board attorney.

**153. How does a candidate, who is on the ballot, take the candidate's oath of office?**

As part of the nominating petition, the candidate must certify that they are qualified to be a member of the board, consent to stand as a candidate for election, and if elected, agree to accept and qualify into the office. The candidate must further affirm and declare that they are not disqualified as a voter. [N.J.S.A. 19:60-6](#).

**154. How does a write-in candidate take the candidate's oath of office?**

A write-in candidate, because they did not file a nominating petition or the related certification, must file the mandatory candidate's certification before taking the actual oath of office. The successful write-in candidate should be prepared to make the appropriate filing in the county clerk's office before taking the oath of office for the board. Each successful write-in candidate should contact the county clerk to make the appropriate filing as soon as possible after the election. Ideally, such a filing should be made with the county clerk prior to the county clerk's certification of the election results.

## F. ELECTION CONTESTS

### 155. What is a “recheck?”

A recheck is a comparison of the official statements containing the results of the election, as certified and filed by the various district boards, against the actual voting machine counts. [N.J.S.A. 19:52-6.1](#).

### 156. Who may request a recheck, and by when must it be requested?

The defeated candidate(s) and/or, in the case of a public question, 10 or more qualified voters (petitioners), may petition the Superior Court for a recheck. A recheck must be requested on or before the 13th day following the election. [N.J.S.A. 19:52-6](#).

Deadline to Request a Recheck	
November 4, 2025, School Election	November 17, 2025

### 157. What is the cost for a recheck?

The Superior Court judge “shall,” at a cost of \$2.00 per district to the candidate or petitioners, order the machines in question opened and the registering counters rechecked against the election officers’ returns. The candidate or petitioners requesting the recheck shall deposit the cost of the recheck with the county clerk. [N.J.S.A. 19:52-6](#).

If the recheck uncovers an error or errors that change the results of the election or public question, the county clerk shall pay the cost of the recheck to the candidate or petitioners upon a warrant of the Superior Court. If the election or public question results are unchanged following the recheck, the county clerk will deposit the cost of the recheck in the county treasury upon a warrant by the Superior Court. [N.J.S.A. 19:52-6](#).

At any time during the recheck procedure, the applicant(s) may abandon the recheck and receive back their deposit for the districts that were unchecked. [N.J.S.A. 19:52-6.1](#).

### 158. What if the recheck finds a discrepancy?

Discrepancies in the recheck shall be noted and, upon completion of the recheck, a certification along with a report fully identifying the discrepancies shall be filed with the court wherein the order for the recheck originated. [N.J.S.A. 19:52-6.1](#).

If, during the recheck, it appears there has been a sufficient change in the tally of votes cast to affect the result of the election, any defeated candidate, or in the case of a public question the parties whose interest may be adversely affected, may, within seven days, apply to the Superior Court judge to continue the recheck. [N.J.S.A. 19:52-6.1](#).

**159. What is a “recount”?**

A recount is a second count of the votes actually cast during an election. [N.J.S.A. 19:28-1 et seq.](#)

**160. Who can request a recount, and what is the deadline to request one?**

Any candidate who has, and/or in the case of a public question any 10 voters who have, reason to believe that an error has been made in counting the votes, may apply to a Superior Court judge in the appropriate county where the relevant election district(s) is/are located, for a recount. A recount must be requested within a period of three days after the certification of the results of the election. [N.J.S.A. 19:28-1](#).

Deadline to Request a Recount	
November 4, 2025, School Election	November 22, 2025

**161. How much does a recount cost?**

The Superior Court judge assigned to the recount shall establish the sum of money to be deposited. The applicant must deposit an amount which is in proportion to the number of votes required to be recounted, but shall not exceed \$25.00 per district to be recounted. The Superior Court judge shall also establish the compensation, costs, and expenses of the recount. [N.J.S.A. 19:28-2](#).

Whenever, as a result of the recount, it appears that an error or errors have occurred that would change the election results, or the vote tally is changed by 10 votes or 10% of the total votes cast (whichever is greater), the costs and expenses of the recount shall be paid by the state, county, or municipality in which the election was held upon the warrant of the Superior Court. If the recount does not uncover an error that would change the election results, the costs and expenses of the recount shall be paid out of the deposit made by the party seeking the recount. [N.J.S.A. 19:28-2](#).

## **162. What if the recount reveals an error?**

After receiving an application for a recount, the Superior Court judge has the authority to direct the county board to conduct a public recount. The Superior Court judge has the authority to decide all disputed questions that the county board fails to decide by a majority vote. [N.J.S.A. 19:28-3](#).

If it appears that an error has been made that is sufficient to change the outcome of the election, the Superior Court judge shall issue an order revoking the certificate of election already issued. In addition, the Superior Court judge shall issue an order directing the chair and clerk of the county board of canvassers to issue another certificate in favor of the person who received the plurality of votes cast. However, if the person who initially received the most number of votes before the recount makes a request of the Superior Court judge, the election certificate is not issued until a recount has been completed in all districts in which the initial winning candidate ran for office. [N.J.S.A. 19:28-4](#).

If, during the further recount, the person to whom the certificate of election was already issued gains sufficient votes so such person has more votes than the contestant, the Superior Court judge may order the recount shall not proceed unless the contestant shall make an additional deposit of money, as determined by the Superior Court judge, but which shall not exceed \$25.00 per district. If there is a tie, as a result of the recount, the Superior Court judge shall issue an order revoking the certificate that was originally issued by the board of canvassers. [N.J.S.A. 19:28-4](#).

## **163. Can the results of a recount be appealed?**

Yes. A petition contesting the results of a recount may be filed within 12 days of the announcement or determination of the recount. [N.J.S.A. 19:29-3](#).

## **164. Other than a recheck and/or a recount, is there any other way to contest election results?**

Yes. The election of any person to public office, or the approval or disapproval of a public question, may be contested by the voters of this state or any of its political subdivisions affected thereby. Grounds for overturning an election include, but are not limited to:

- a. Malconduct, fraud or corruption on the part of the members of any district board, or of any members of the board of county canvassers, sufficient to challenge the result.
- b. When the incumbent was not eligible to the office at the time of the election.
- c. When the incumbent had been duly convicted before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent had not been pardoned at the time of the election.

- d. When the incumbent had given or offered to any elector or any member of any district board, clerk or canvasser, any bribe or reward, in money, property or thing of value for the purpose of procuring his election.
- e. When illegal votes have been received, or legal votes rejected at the polls are sufficient to change the result.
- f. For any error by any board of canvassers in counting the votes or declaring the result of the election, if such error would change the result.
- g. For any other cause which shows that another was the person legally elected.
- h. The paying, promise to pay or expenditure of any money or other thing of value or incurring of any liability in excess of the amount permitted by this title for any purpose or in any manner not authorized by this title.
- i. When a nominating petition is not filed in good faith or the affidavit annexed thereto is false or defective.

[N.J.S.A. 19:29-1.](#)

**165. What is the deadline for filing a petition to contest the result of the school election?**

A petition contesting the result of a school election, or the approval or disapproval of a public question, must be filed no later than 32 days after the election. [N.J.S.A. 19:29-3.](#)

Deadline to Contest the Result of a School Election	
November 4, 2025, School Election	December 6, 2025

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